

# Franklin County

## Administrative Code

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Ordinance #4-2014, adopted at a duly convened meeting of the Fiscal Court of Franklin County, Kentucky, held on the 31st day of July 2014, and of record in Fiscal Court Order Book 26, Page 71.

### Amendments:

Effective October 16, 2015, Ordinance #7-2015 – Chapters 1, 2, 3, 4, 6

Effective March 8, 2016, Ordinance #1-2016 – Chapter 3, Section 3.54 & Chapter 4, Section 4.2

Effective March 8, 2016, Ordinance #2-2016 – Chapter 3, Sections 3.54 thru 3.66, Title Changes

Effective July 1, 2016, Ordinance #10-2016 – Chapter 3, Sections 3.65 & 3.66

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Effective October 13, 2017, Ordinance #7-2017 – Chapter 3, Sections 3.21, 3.30, 3.43, 3.52, 3.65 & 3.67

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August 10, 2018

## **INTRODUCTION**

### **PURPOSE AND AUTHORITY**

House Bill 33 dated Thursday, February 23, 1978, was enacted by the General Assembly of the Commonwealth of Kentucky to create a new Section of KRS 68 for the purpose of sound and efficient administration of county government. Also, in 1986 Senate Bill 352 amended KRS 68.005 to include among other things an annual review of the county administrative code.

Kentucky Revised Statutes Chapter 68.005, as amended states:

1. The Fiscal Court shall adopt a county administrative code which includes, but not limited to, procedures and designation of responsibility for:
  - a. General administration of the office of County Judge/Executive, county administrative agencies and public authorities;
  - b. Administration of the County affairs, including budget formulation, receipt and disbursement of county funds and preparation of records required for the county audit, and for filing of claims against the county;
  - c. Personnel administration, including description and classification of the non-elected positions, selection, assignment, supervision and discipline of employees, employee complaints;
  - d. County purchasing and award of contracts; and
  - e. Delivery of all county services.
2. The Fiscal Court shall review the county administrative code annually during the month of June and may by a two - thirds majority of the entire Fiscal Court amend the County Administrative Code at that time, the County Judge/Executive may at other times prepare and submit amendments to the code for the approval of the majority of the Fiscal Court.

The County Judge/Executive, as the chief executive officer of the County, is directly responsible for the organization and management of the administrative functions of the County government. While it is the Fiscal Court which determines County needs, policies, and priorities for meeting those needs, the County Judge/Executive must see that these policies and priorities are effectively and properly executed.

The Statutes provide only general guidance as to the form and substance of a County's internal administrative organization.

This code, if continually monitored by the County Judge/Executive and the County Fiscal Court, will provide the intended objective. This code should not be confused with an employment contract and is in no way intended to be one. Employees need to understand and realize that the Commonwealth

of Kentucky, by law, is an “**at will**” state which means that employees work at the will of their employer, in this case, Franklin County.

The importance and objective of this review and monitoring by County officials is to maintain a viable code that provides the necessary substance for appropriate internal administrative control consistent with the statutory requirements and local needs. Close adherence to this code will ensure that this objective is maintained.

It should be noted, this code (all parts) is not a contract for employment and is not intended to be such (Kentucky is an “at will” state). This code provides a comprehensive tool for administration that is consistent with statutory requirements. This code provides limitations, general rules, guidelines, etc., as well as the desires of the community as represented by the members of the Fiscal Court.

## TABLE OF CONTENTS

	<u>Page number</u>
<b><u>Chapter 1 General Administration</u></b>	8
Section 1.1 County Judge/Executive	8
Section 1.2 Appointment Procedures for Deputy Judge	8
Section 1.3 Procedures for Appointment/Removal of Administrative Personnel and Members of Boards and Commissions	8
Section 1.4 Procedures for Organization/Reorganization of County Departments and Agencies	9
Section 1.5 Procedures and Reports to Fiscal Court by County Administrative Agencies and Public Officers	10
Section 1.6 Executive Committee	10
<b><u>Chapter 2 Financial Management</u></b>	12
Section 2.1 Budget Preparation	12
Section 2.2 Budget Hearing Procedures and Requirements	13
Section 2.3 Procedures and Duties of the County Treasurer	14
Section 2.4 Procedures for Fiscal Administration	15
Section 2.5 Claims Against the County	15
<b><u>Chapter 3 Personnel Administration</u></b>	17
Section 3.1 Statement of Purpose	17
Section 3.2 Personnel Administration	17
Section 3.3 Scope of Coverage	18
Section 3.4 Personnel Records	18
Section 3.5 False Credentials	19

Section 3.6	Suggestion System	19
Section 3.7	Employment of Relatives (Nepotism)	19
Section 3.8	Orientation of Newly Employed Personnel	19
Section 3.9	Equal Opportunity	20
Section 3.10	ADA Statement	20
Section 3.11	Classification Plan	20
Section 3.12	Amendments	21
Section 3.13	Status of Employment	21
Section 3.14	County Pay Plan	22
Section 3.15	Pay Plan Administration	22
Section 3.16	Hours of Work	24
Section 3.17	Overtime	24
Section 3.18	Workweek	25
Section 3.19	Wage Increases	25
Section 3.20	Placement Policy	26
Section 3.21	Methods for Filling Vacancies	26
Section 3.22	Announcement of Vacancies	27
Section 3.23	Applications and Forms	28
Section 3.24	Certification of Eligibility for Position	28
Section 3.25	Initial Probation Period (Introductory)	29
Section 3.26	Transfers	30
Section 3.27	Promotion	30
Section 3.28	Disciplinary Action	30

Section 3.29	Resignations	34
Section 3.30	Reinstatement and Rehires	35
Section 3.31	Retirement	35
Section 3.32	Examinations (Medical)	35
Section 3.33	Political Activity	35
Section 3.34	Lunch Break	35
Section 3.35	Layoff	36
Section 3.36	Gifts and Gratuities	36
Section 3.37	Personal Conduct, Appearance and Hygiene	36
Section 3.38	Safety and Injuries	37
Section 3.39	Harassment/Sexual Harassment	37
Section 3.40	Drug Free Work Place	39
Section 3.41	Drug Testing Policy	39
Section 3.42	Holidays	56
Section 3.43	Vacation	57
Section 3.44	Sick Leave	58
Section 3.45	Sick Leave Sharing Policy	59
Section 3.46	Disability Leave	60
Section 3.47	Parental Leave	60
Section 3.48	Bereavement (Funeral) Leave	60
Section 3.49	Special Leave	60
Section 3.50	Military Leave	60
Section 3.51	Jury Duty	61

Section 3.52	Voting Leave	61
Section 3.53	Blood Donation Leave	61
Section 3.54	Inclement Weather Leave	61
Section 3.55	Health Insurance	63
Section 3.56	Retirement Benefits	63
Section 3.57	Unemployment Insurance	63
Section 3.58	Workers' Compensation	63
Section 3.59	Expense Reimbursement	64
Section 3.60	Family and Medical Leave Act of 1993	65
Section 3.61	Training and Career Development	65
Section 3.62	Performance Evaluations	66
Section 3.63	Grievance Procedure	68
Section 3.64	Classification Plan	69
Section 3.65	Compensation Plan	72
Section 3.66	Classification of Employees	73
Section 3.67	Use of a County Vehicle	76
<b><u>Chapter 4 Purchases and Contracts</u></b>		77
Section 4.1	Authorization of County Contracts	77
Section 4.2	Selection of Vendors and Contractors (Procedures for Sealed Bidding)	77
Section 4.3	Procedures for Determinations of Qualifications of Bidders	78
Section 4.4	Procedures and Prerequisites and Use of Negotiated Process	78
Section 4.5	Procedures for Negotiated Process	78
Section 4.6	Small Purchase Procedures	79

Section 4.7	Storage and Inventory Control	80
Section 4.8	Procedures for Disposition of Surplus Property	80
<b><u>Chapter 5 Delivery of County Service</u></b>		81
Section 5.1	Establishment of County Road Department	81
Section 5.2	Duties of the Road Supervisor	81
Section 5.3	County Road Inventory/Condition	81
Section 5.4	Specifications for County Roads	82
Section 5.5	Other County Services	82
<b><u>Chapter 6 Operation of Franklin County Fiscal Court</u></b>		84
Section 6.1	Procedures for Meetings of Fiscal Court	84
Section 6.2	Presiding Officer	84
Section 6.3	Quorum	84
Section 6.4	Order of Business	84
Section 6.5	Fiscal Court Records and Minutes	85
Section 6.6	Ordinances, Orders and Resolutions	85
<b><u>Chapter 7 Other County Policies</u></b>		87
Section 7.1	Equal Opportunity	87
Section 7.2	Franklin County Investment Policy	88
Section 7.3	Department of Planning, Zoning and Building Code Enforcement	90
Section 7.4	Acceptable Uses of the Internet and County E-mail	92
Section 7.5	Protection of Personal Information	94

## CHAPTER 1

### GENERAL ADMINISTRATION

#### **Section 1.1: County Judge/Executive**

The County Judge/Executive shall be the chief executive of the County and shall have all the powers and perform all the duties of an executive and administrative nature consistent with the Kentucky Constitution and the Kentucky Revised Statutes.

The responsibilities and duties of the County Judge/Executive are defined in KRS 67.710.

Additional responsibilities of the County Judge/Executive are found in KRS 67.715, which includes organization of county functions, special districts and county representation.

The County Judge/Executive may appoint office personnel as permitted by KRS 67.710 and consistent with the classification and compensation plan.

#### **Section 1.2: Appointment Procedures for Deputy Judge/Executive**

The County Judge/Executive may designate by written executive order, within thirty days of assuming office, a Deputy Judge/Executive who shall serve consistent with KRS 67.711 as Judge/Executive in the absence of the County Judge/Executive.

The County Judge/Executive shall be deemed absent when they are physically absent from the County, physically disabled, or prevented by other emergency beyond control which would prevent from physically attending meetings of the Fiscal Court. A vacation, including one taken within the County, shall be considered an absence.

Such appointment of a Deputy Judge/Executive shall continue until such time as the County Judge/Executive publishes a written revocation of the appointment or makes a new appointment or upon the resignation of the Deputy County Judge/Executive.

The Deputy Judge/Executive shall have all administrative powers and authority as the County Judge/Executive. The Deputy Judge/Executive shall not chair or vote on the Fiscal Court.

#### **Section 1.3: Procedures for Appointment/Removal of Members of Boards and Commissions**

The County Judge/Executive shall nominate qualified persons to serve on boards and commissions. Such appointments may be placed on the agenda of any regular or special meeting of the Fiscal Court. If state law requires approval by the Fiscal Court of the nomination, the Fiscal Court shall act on such nomination within sixty (60)

days. If the Fiscal Court does not act on the nomination within the sixty (60) day time period said nomination will be deemed rejected by the Fiscal Court. A majority of the Fiscal Court members present at a meeting shall vote in favor of the nomination in order for it to be approved.

The Fiscal Court may require the nominee to appear at a public hearing for the purpose of questioning about matters related to the position for which they have been nominated. The nominee will be notified by mail if this is the Court's intention. The Fiscal Court shall provide the nominee with an opportunity to make a statement concerning their nomination and qualifications.

No person shall be selected as a member of a board or commission if that person holds or is employed in a position that is incompatible with the one for which they are nominated.

In the event the Fiscal Court rejects the nominee, the County Judge/Executive shall submit additional nominations, not to exceed ten for any one position; and if Fiscal Court rejects all ten, the County Judge/Executive shall appoint a person to serve on a temporary basis, not to exceed one year.

When state law does not require Fiscal Court approval of an appointment, the County Judge/Executive shall make that appointment. Within thirty days (30) of making the appointment, the County Judge/Executive shall notify the Fiscal Court in writing of the appointment. The notice may be filed with the County Clerk.

Before any board or commission member may be dismissed; that person shall be presented, in writing, a list of reasons setting forth the basis for the dismissal. The notice shall be delivered via registered mail to the last known address of the individual being dismissed. The County Judge/Executive shall conduct a termination conference no sooner than ten (10) and no later than twenty-one (21) days after receipt of the reason for dismissal. At the conference, the person being dismissed will have the opportunity to respond, to be represented by counsel, and to call witnesses. The County Judge/Executive shall issue a written opinion, which shall contain the findings of fact and their determination, and shall cause a copy of it to be provided contemporaneously to members of the Fiscal Court.

**Section 1.4: Procedures for Organization/Reorganization of County Departments and Agencies**

- A. The Franklin County Judge/Executive shall submit to the Fiscal Court a written plan, which describes the service and functions to be performed by each department, agency, commission or special district both current and proposed.
- B. The plan shall include an organizational chart showing the relationship of each department, agency, commission or special district to others and the lines

of authority. The chart shall be maintained in current condition and shall be available for public viewing and inspection during normal office hours.

- C. The reorganization plan shall be submitted to the Fiscal Court for approval and available for public review at least fifteen (15) days prior to its effective date.

**Section 1.5: Procedures and Reports to Fiscal Court by County Administrative Agencies and Public Authorities**

- A. All county administrative agencies and public authorities subject to the Fiscal Court by law shall submit monthly a list to the County Judge/Executive of any citizen complaints during the preceding month, and include steps taken to correct the situation. The County Judge/Executive may request such reports be filed more often.
- B. Each administrative agency and public authority authorized and established by the County shall submit an annual report to the County Judge/Executive within seventy-five (75) days after the close of each fiscal year. The report must include at a minimum:
  - 1. A descriptive narrative of the functions and activities of the authority.
  - 2. Those items required by KRS 65.070 (1) (a) 1, 2, 3 and 4 in full with each report, with evidence of filing with the County Clerk's office by the first day of July each year.
- C. Each administrative agency and public authority shall file a copy of its annual budget and audit with the County Judge/Executive as required by KRS 65.070 (1) (b).
- D. All meetings of the boards, commissions, public authorities and special districts shall be open to the public, unless exempt by KRS 61.810. A record of the proceedings of each meeting shall be maintained in the form of minutes and be available for public inspection.
- E. The County Judge/Executive may make a verbal report with recommendation to the Fiscal Court at the next meeting following the receipt of any of the above-required reports. Prior to the court meeting described herein, the report shall be made available to the Fiscal Court for review.

**Section 1.6: Executive Committee**

As used herein for Purposes of Grievance Hearings, the Executive Committee of the Franklin County Fiscal Court shall consist of three (3) magistrates and the Chair of the Franklin County Ethics Committee. The magistrates shall serve as follows: Magistrates from District 1, 3, and 5 shall serve during the first two (2) years of their

elected term, beginning January 1 of their term. Magistrates from District 2, 4, and 6 shall serve the second two (2) years of their elected term, beginning January 1 of the third year of their term. In the event of a vacancy, upon appointment, the successor magistrate shall fulfill the remainder of the two (2) year term. A quorum shall consist of three (3) members of the Committee.

## CHAPTER 2

### FINANCIAL MANAGEMENT

#### Section 2.1: Budget Preparation Procedures

##### County Judge/Executive Responsibilities

- A. The County Judge/Executive shall prepare a proposed budget for review and adoption by the Fiscal Court as provided in KRS Chapter 68.240, as well as any rules and regulations prescribed by the State Local Finance Officer.
- B. On or before April 1 of each year, every county agency, department, public authority and county office that receives county funds shall submit to the County Judge/Executive a written budget request showing the amount of funds requested and brief explanation of need.
- C. On or before April 1 of each year the County Judge/Executive, County Treasurer and Jailer shall prepare and submit a Jail budget to the Fiscal Court, as required by KRS 441.215.
- D. The County Judge/Executive shall submit the complete proposed budget in ordinance form for a first reading before the Fiscal Court no later than May 1 of each year.
- E. The County Judge/Executive shall cause a copy of the proposed budget to be posted in a conspicuous place in the Fiscal Court Building and the Franklin County Courthouse near the front door ten (10) days before final adoption, and shall contemporaneously publish the proposed budget on the County website.
- F. The County Judge/Executive shall advertise the notice of adoption of the budget ordinance in the local newspaper of general circulation in Franklin County and on the County website at least seven (7), but not more than twenty-one (21) days before final adoption by the Fiscal Court.
- G. The Franklin County Judge/Executive shall publish a summary of the budget ordinance in a newspaper of general circulation in Franklin County and on the County website at least ten (10) days before final adoption by the Fiscal Court. Note: This and the proceeding notice may be advertised together, so long as the time requirements are correct.
- H. The County Judge/Executive shall certify to the State Local Finance Officer a copy of the original budget ordinance as approved by their office within fifteen days (15) of adoption, indicating clearly all changes made by Fiscal

Court.

- I. Following action by Fiscal Court, but not later than June 10, the County Judge/Executive shall submit two copies of the budget to the State Local Finance Officer for approval as to form and classification.
- J. Within thirty days of adoption of the budget ordinance by the Fiscal Court, the County Judge/Executive shall cause a summary of the budget ordinance to be published in a newspaper of general circulation in the County and on the County website.
- K. The Franklin County Judge/Executive shall maintain a copy of the budget as adopted, together with any amendments adopted thereafter, for public inspection and shall publish same on the County website.

Fiscal Court Responsibilities

- A. Not later than June 1 of each year, the Fiscal Court shall review in detail the proposed budget, including the Jail budget that the County Judge/Executive has prepared and submitted.
- B. The Fiscal Court shall make comments, amendments, and tentatively approve the proposed budget by reading it publicly. This shall take place prior to the County Judge/Executive submitting the budget to the State Local Finance Officer.
- C. The budget shall be reviewed and approved by the State Local Finance Officer then submitted to the Fiscal Court for adoption not later than June 30.

**Section 2.2: Budget Hearing Procedures and Requirements**

- A. During the county budget preparation process, the Fiscal Court shall conduct a public hearing on the County Road Aid (CRA) fund. The procedure shall be as follows:
  - 1. Publish notice of the proposed use hearing on the CRA Fund at least seven (7) days but no more than twenty-one (21) days in advance of the scheduled hearing.
  - 2. Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive as public record.
- B. Prior to adoption of the county budget and submittal to the State Local Finance Officer, a budget hearing shall be conducted by the Fiscal Court on the Local Government Economic Assistance (LGEA) Fund. The hearing process required for the adoption of these two funds may

be coordinated in such a manner that both requirements (CRA and LGEA) are addressed at the same hearing. The proceedings for LGEA hearing shall be as follows:

1. Notice of the budget hearing shall be published at least seven days but no more than twenty-one (21) days prior to the scheduled hearing.
2. Copies of the published notice and written minutes of the hearing shall be maintained by the County Judge/Executive.

**Section 2.3: Procedures and Duties of the County Treasurer**

- A. The County Treasurer shall keep records and make reports as set forth in KRS Chapter 68. Also, the County Treasurer shall maintain the following records as required by the Uniform System of Accounts for counties. The requirements are subject to change.
  1. Cash Receipts Journal and Cash Receipts Ledger
  2. Check Distribution Ledger
  3. Appropriation Ledger
  4. General Ledger
  5. Investment Journal
  6. Subsidiary Ledgers and Journals
  7. Account of each individually:
    - a. General Fund
    - b. Road and Bridge Fund
    - c. Jail Fund
    - d. LGEA Fund
    - e. Special accounts as may be necessary
- B. Prepare financial reports for the Fiscal Court and Jailer each month pursuant to KRS 68.360 and 441.235.
- C. Prepare a quarterly financial statement for the State Local Finance Officer.
- D. Prepare and publish an annual financial statement pursuant to KRS 424.220.
- E. Countersign checks per the following conditions:
  1. Claim has been reviewed by the Fiscal Court,
  2. There is a sufficient fund balance and cash in the bank to cover the check, and
  3. There is adequate free balance in a properly budgeted appropriation account to cover the check.
- F. The County Treasurer is the sole officer bonded to receive and disburse county funds.

**Section 2.4: Procedures for Fiscal Administration**

County Judge/Executive

- A. The County Judge/Executive is responsible for administering the provisions of the County Budget Ordinance when adopted by the Fiscal Court. All or part of the financial management duties may be assigned to a finance officer whose job description shall include, but not be limited to:
1. Receipt of all claims against the county,
  2. Prepare and submit a master claims list to the Fiscal Court for review,
  3. Prepare checks on claims reviewed by the Fiscal Court,
  4. Co-sign all checks with County Treasurer,
  5. Maintain an appropriations ledger,
  6. Prepare a quarterly financial statement, which shall be transmitted to the Fiscal Court and State Local Finance Officer, as well as posted in a conspicuous place near the front door of the courthouse and Fiscal Court Building.
  7. Present the quarterly financial statement at the next Fiscal Court meeting,
  8. Reconcile the appropriation ledger with the treasurer's appropriation ledger at least once a month,
  9. Issue purchase orders and maintain a purchase order ledger, and
  10. Maintain time and attendance records, including vacation, sick leave, etc.
- B. The County Judge/Executive shall pay all financial claims against the county after approval by the Fiscal Court. However, some claims as outlined in Section 2.5 may be paid prior to Fiscal Court approval. All such claims shall be within the line item amounts of the county budget.
- C. The County Judge/Executive shall be responsible for preparing and signing all warrants directing the County Treasurer to make payment authorized by Fiscal Court and maintaining a record of such warrants.
- D. At the close of each fiscal year, the County Judge/Executive shall prepare records necessitated by the annual county audit. The annual audit shall be conducted either by the State Auditor of Public Accounts or a certified public accountant.

**Section 2.5: Claims Against the County**

- A. The County Judge/Executive shall account for all claims against the County.
- B. Anyone with a claim for payment from county funds shall file it in writing

in the office of the County Judge/Executive.

- C. Each claim shall be recorded by date of receipt and presented to the Fiscal Court at its next regular meeting.
- D. Each claim shall designate the budget fund and classification from which the claim will be paid, and each warrant shall specify the budget fund and classification.
- E. All claims shall be presented to the Fiscal Court for review prior to payment and the Court, for good cause shown, may order that a claim not be paid.
- F. The Fiscal Court may adopt a standing order to preapprove the payment of payroll for county officials and employees, utility bills and recurring expenses, such as interest and principal on bonded debt, to be submitted to the state local finance officer by July 1 of each fiscal year with the county budget.
- G. Preapproved expenses will be provided to Fiscal Court for information.

## CHAPTER 3

### PERSONNEL ADMINISTRATION

#### Section 3.1: Statement of Purpose

- A. The Franklin County Fiscal Court recognizes that a personnel system, which recruits and retains competent, dependable personnel, is indispensable to effective and efficient county government. The administrative code is not a contract for employment and is not intended to be. Kentucky is an “at will” state by law and employees of Franklin County shall be aware that Chapter 3 of this code is not to be interpreted as a contract or confused with one. An acknowledgment of receipt shall be signed and placed in the personnel file of every employee.
- B. The policies set forth herein are intended to implement the Personnel System by providing procedures for:
  - 1. Classifying positions in the county service
  - 2. Recruiting personnel for that service
  - 3. Compensating employees equitably for their service

#### Section 3.2: Personnel Administration

- A. The Franklin County Judge/Executive, pursuant to KRS 67.710, shall administer the personnel system set forth herein.
- B. In addition to other duties as set forth in these policies and procedures, the County Judge/Executive shall ensure that subsequent amendments or additions by the Fiscal Court be made as follows:
  - 1. Immediately upon official amendment, the change(s) shall be written in a manner and format consistent with these policies and procedures,
  - 2. The amending ordinance shall be recorded in this administrative code; and
  - 3. A memorandum explaining the change(s) with the amendment attached shall be distributed to all personnel assigned custody of a copy of the policy and procedures Section of this code and shall be published on the County’s website.

The County Judge/Executive shall conduct an annual review of the personnel policy and procedures manual, preferably during the budget preparation process.

**Section 3.3: Scope of Coverage**

The Franklin County Administrative Code, Chapter 3 (Personnel Administration) as adopted by the Fiscal Court is applicable to all persons employed to positions at all levels in county government, with the exception of the following:

- A. Elected officials
- B. Employees of the Sheriff, County Clerk, County Attorney, Jailer, and Coroner unless expressly requested by the elected official in writing
- C. Members of boards and commissions
- D. Consultants, advisors and counsel rendering temporary professional services
- E. Independent contractors
- F. Temporary or seasonal employees

**Section 3.4: Personnel Records**

- A. Beginning the first day of employment, all new employees shall report to the Payroll Administrator/Human Resources Director to complete personnel records, execute payroll-withholding authorization, and enroll in the applicable employee benefit programs.
- B. A personnel file, maintained by the County Judge/Executive, shall be created for each applicable employee as set forth in Section 3.3 above. All relevant information, including application forms, resume, evaluation forms, disciplinary or commendation memoranda, and any other material deemed relevant to the employee's permanent record will be kept in the personnel file which shall be accessible to each respective employee and maintained in the executive offices at the Fiscal Court Building.
- C. It shall be the obligation of the employee and the first line supervisor to maintain current information in the personnel file by notifying the Human Resources Director of all changes in personal or family status, home address, home telephone number or any other changes which would affect payroll withholding or employee benefits. Supervisors shall forward any commendations, promotions or disciplinary actions to the County Judge/Executive for filing in the employee's individual personnel file.
- D. Every change in the status of the employee shall be recorded in the personnel file.

**Section 3.5: False Credentials**

If it should come to the attention of the County Judge/Executive, either during the probationary period or thereafter, that an employee was hired on the basis of false credentials, the employee shall be subject to disciplinary action up to and including immediate dismissal for cause.

**Section 3.6: Suggestion System**

All Franklin County employees are encouraged to submit suggestions that could allow county government to operate more efficiently and effectively. All suggestions should be submitted to the employee's department head, which shall forward them to the County Judge/Executive along with recommendations for approval or disapproval. Employees who submit suggestions that are approved will receive recognition at the time the suggestion is implemented.

**Section 3.7: Employment of Relatives (Nepotism)**

The Franklin County Ethics Ordinance is adopted by Ordinance No. 3-2014, and any future amendments are hereby ratified and incorporated into the terms of this Administrative Code.

**Section 3.8: Orientation of Newly Employed Personnel**

- A. An orientation will be made available to all new employees as soon as they are hired. The orientation will consist of an overall orientation of county government and policies conducted by the County Judge/Executive or a designee. As soon as assigned to the specific department with the vacancy, the new employee shall be given further orientation by the department head. This orientation will address the internal policies, job description, and expectations of the department head and the employee's first line supervisor.
  
- B. The orientation performed by the County Judge/Executive's office shall consist of at least the following:
  - 1. Explanation of the management policies and administrative procedures,
  - 2. Compensation schedule and employee benefits,
  - 4. Copy of the Administrative Code and departmental policies,
  - 5. Reiteration of job duties per job description, and
  - 6. Other elements deemed appropriate.

**Section 3.9: Equal Opportunity**

Franklin County seeks to provide equal opportunity for its employees and applicants for employment and to prohibit discrimination based on race, color, sex, religion, national origin, disability, age or sexual orientation. The county promotes equal opportunity in all matters of hiring, promotion, transfer, compensation, benefits and other conditions of employment.

**Section 3.10: ADA Statement**

Franklin County complies with the American with Disabilities Act of 1990, as amended by the Civil Rights Act of 1991. The Act prohibits Discrimination on the basis of disability and protects qualified applicants and employees with disabilities from discrimination in hiring, promotion, discharge, pay, job training, fringe benefits and other aspects of employment.

Franklin County will provide reasonable accommodation to qualified individuals with a disability that, with an accommodation, can perform the essential functions of the job classification, unless the accommodation will impose an undue hardship for the county.

**Section 3.11: Classification Plan**

- A. In the Classification Plan incorporated as part of this administrative code:
1. Each position shall, on the basis of the duties and responsibilities of the position, be allocated to an appropriate category with specified classes.
  2. A class shall include one or more positions.
  3. Each class shall have a specification that includes:
    - a. Concise, descriptive title
    - b. Description of the duties and responsibilities of each position in the class, and
    - c. Statement of the physical requirements and qualifications, including skills, knowledge, abilities, experience and educational qualifications or requirements for each position.
  4. All positions in a single class shall be sufficiently alike to permit:
    - a. The use of a single descriptive title for the class,
    - b. A description of the duties in the class,
    - c. The same qualifications for each position,
    - d. The use of the same pay range to each position, and
    - e. Applications of the same pay range to each position.
  5. All job descriptions shall set forth those duties that are essential.

- B. At least once each year, the County Judge/Executive shall:
  - 1. Review the duties and responsibilities of each class,
  - 2. Recommend and consider on the basis of the review the reclassification of positions, the creation of new classes, and the abolition of one or more existing classes.
  
- C. Whenever the duties of a position change so that no appropriate class for it exists, the County Judge/Executive shall:
  - 1. Prepare an appropriate class specification for it, and
  - 2. Submit it to the Fiscal Court for approval of reclassification.
  
- D. Reclassification of a position may not be used to circumvent demotion, promotion, or compensation procedures and requirements.
  
- E. The County Judge/Executive may create a new position with the approval of the Fiscal Court. In creating a new position, the County Judge/Executive shall:
  - 1. Describe in detail the position's duties and responsibilities,
  - 2. Suggest minimum entrance qualifications for the position, and
  - 3. Allocate the position to an appropriate class or create an appropriate class for the position, if necessary.

**Section 3.12: Amendments**

All amendments to the classification plan shall be presented to Franklin County Fiscal Court for approval.

**Section 3.13: Status of Employment**

- A. All employees shall be designated as full-time, part-time, temporary or assigned pursuant to law, and may include the following:
  - 1. Full-time employee – An employee who works 37.5 hours per week or more on a regularly scheduled basis.
  - 2. Part-time employee – An employee who works less than 100 hours per month on a regularly scheduled basis.
  - 3. Temporary employee – An employee who works in a position which is of a temporary nature (full-time or part-time). All temporary employees shall be on an emergency basis not to exceed 30 days and shall be subject to availability of funds in the budget.
  
- B. Only full-time or part-time employees may occupy established positions.

- C. Full-time employees shall be entitled to all benefits provided by Franklin County government. Temporary and part-time employees shall not be entitled to any benefits (except those benefits required by federal and state law).

**Section 3.14: County Pay Plan**

- A. All positions in the classification plan shall be compensated as set forth in the County's pay plan.
- B. The assignment of classes to a pay grade shall be based upon the relative level of difficulty of the duties and responsibilities of the class; the prevailing rates of pay for the work as compared to and competitive with public and private labor markets; and other pertinent wage and economic data.
- C. The Fiscal Court shall approve the schedule of wage rates and ranges and the pay plan adopted or subsequently modified by amending ordinance.

**Section 3.15: Pay Plan Administration**

- A. A pay plan, prepared and incorporated as part of this Administrative Code shall prescribe for each class a minimum and maximum rate of pay, and all employees occupying positions in a class shall be compensated at a rate no less than the minimum and no more than the maximum amount of the grade in which the position is assigned. All personnel who currently receive pay at the maximum rate for their particular class will continue to receive pay raises as provided by the budget (i.e. merit raises or yearly increment).
- B. At least once each fiscal year, preferably during the budget process, the County Judge/Executive or their designee shall:
  - 1. Analyze fluctuations in the cost of living,
  - 2. Examine the wage range for each class of positions in the classified service to ascertain whether minimum and maximum wages should be raised or lowered for a particular class during the succeeding twelve months,
  - 3. Upon the basis of the comparison, analysis, and examination, submit to the Fiscal Court recommendations or amendments to the pay plan.
- C. Reclassification of an employee's position from one class to another of comparable pay range shall effect no change of wage for the employee.
- D. An employee whose position is reclassified from one class to a higher class shall enter the higher class at its minimum wage, unless this minimum is lower than the affected employee's present wage. If that is the case, the employee shall enter the class at their then present wage at the time the

reclassification is effected;

1. If that wage exceeds that minimum, they shall continue to receive at least their present wage,
  2. If that wage exceeds the maximum, they shall receive only the maximum.
- E. Whenever the County Judge/Executive submits to the Fiscal Court that a position be reclassified to a class that requires a higher wage, they shall likewise submit with it an estimate of the financial requirements of the wage increase that the reclassification would require.
- F. In the event that an employee enters a higher class by promotion, the wage in the higher class shall be the minimum wage for that class, unless that minimum is lower than, or the same as, the wage at the time of the promotion. In that event, the County Judge/Executive shall set a wage within the pay range of the higher class based on the promoted employee's skills, knowledge and abilities.
- F. In the event that an employee is demoted, the County Judge/Executive shall set the employee's wage at the minimum level of the class to which the employee has been demoted.
- H. For an employee transferred from a position in one class to a position in an equivalent class, the transfer shall effect no change in rate of pay.
- I. The County Judge/Executive and Department Heads shall conduct annual evaluations of the performance of each employee as set forth in Section 3.60. The overall results of each employee performance evaluation shall be used for the basis of granting promotions and pay increases. Any promotions or adjustments that will increase the expenses of the county require a budgetary review and approval by the Fiscal Court.
- J. An appointee (hire) to a new or vacant position shall receive the minimum wage to the class to which the position is allocated, except that through written documentation the County Judge/Executive may cause the appointment to be made at a wage above the minimum, but not more than maximum, for the class if:
1. In cases of unusual difficulty in filling a position, or
  2. In hiring exceptionally, qualified personnel.
- K. In no case will an employee be paid in advance for work time.

**Section 3.16: Hours of Work**

- A. Employees shall be at their places of work in accordance with prescribed departmental schedules. All departments shall maintain daily attendance records of all employees. All department heads shall submit time sheets to the County Payroll Administrator prior to payday.
- B. Regular employees will be allowed two rest periods of fifteen (15) minutes each day, one in the morning and one in the afternoon. Unless prior approval is granted lunch and rest periods may not be used to shorten working hours, alter time of arrival or departure, accrue vacation, or count as overtime if not taken. Department Heads shall ensure that rest period times and regulations are enforced. An hourly employee who works more than four (4) consecutive hours is entitled to one fifteen (15) minute break; hourly employees working less than four (4) consecutive hours are not entitled to a break.
- C. Flexible hours may be scheduled for employees, if approved by the Department Head and the County Judge/Executive; the schedule shall not adversely effect the department's operations.

**Section 3.17: Overtime**

- A. In emergencies and other circumstances, consistent with the maintenance of essential county services, a department head may, with the approval of the County Judge/Executive, have employees work overtime. Employees called to work over and above normal work hours shall be paid a minimum of one and one half their pay at their regular rate of pay.
- B. In order to determine whether an employee will receive overtime pay for hours worked in excess of 37.5 hours per week (except Road Department and Fire Department personnel who will adhere to their internal overtime procedures as approved by the County Judge/Executive), each class shall be declared "EXEMPT" or "NON-EXEMPT" under the provisions of federal and state wage and hour laws. Exempt employees shall not receive overtime pay. Non-exempt employees shall receive overtime pay at a rate of one and one-half times the hourly wage for the actual hours worked in excess of a normal work week (over 40 hours). Non-exempt employees will receive their regular hourly pay for actual hours worked in excess of 37.5 but less than 40.
  - 1. Any Franklin County employee who serves in a policy making position shall be deemed an exempt employee. These individuals may accrue compensatory time, at an hour for hour rate, for work performed over and above the hours worked in a normal workweek (37.5 hours, or 40 hours if applicable). Upon written request and agreement, a nonexempt employee may be granted compensatory time in lieu of overtime pay. Public safety employees are allowed to

accrue up to 100 hours of compensatory time in one fiscal year. All other employees are allowed to accrue up to 50 hours of compensatory time in one fiscal year. Additional hours of work will be paid upon recommendation by the Department Head and approval of the County Judge/Executive.

2. Exempt positions shall include but not be limited to the following:

- a. Deputy Judge/Executive
- b. Director of Planning and Zoning
- c. Road Supervisor
- d. Fire Chief
- e. Treasurer
- f. Maintenance Director
- g. Lakeview Park Director
- h. Human Resources Director
- i. Any other position exempt per state or federal law.

- C. Time off with pay (including vacation leave, sick leave, holidays, jury duty, funeral leave, etc.) may not be considered as hours worked for overtime pay purposes.
- D. Employees required to be present at Fiscal Court meetings or committees of the Court relative to county business shall be compensated at the regular rate of pay. A minimum time shall be based on actual time at the meeting.\*
- E. Overtime provisions will apply if the appearance at the meeting causes the employee to accumulate (work) in excess of 40 hours during the workweek.\*

**\*Plus any travel time incurred**

**Section 3.18: Workweek**

- A. Franklin County's official workweek shall begin and end on Sunday at 7:00 a.m.
- B. The county may change the official workweek for any position(s), but not to avoid overtime requirements.

**Section 3.19: Wage Increases**

- A. The annual budget may include wage increases for the budget year effective July 1 annually, subject to availability of revenues.
- B. Individual adjustments may be made during the year as necessary (Probation completion, salary-based performance increases, etc.) subject to availability of

funds. Performance based increases shall be made with the prior approval of the Fiscal Court.

**Section 3.20: Placement Policy**

- A. An appointment to a position shall be made only after the individual being considered has been certified for the position as set forth in Section 3.24. This policy applies to new applicants, rehires, transfers and promotions.
- B. Subject to approval by the Fiscal Court, the County Judge/Executive shall make appointments by executive order. The executive order shall state the name of the individual, the appointed position and class, the beginning wage and the beginning date of employment. A copy of the executive order shall be filed in the individual's personnel file.

**Section 3.21: Methods for Filling Vacancies**

- A. Promotions: In considering the filling of a vacancy, current employees who meet job requirements shall be considered for the position. If the County Judge/Executive determines the needs of the county are best served by employment of external candidates, they may recommend the appointment to Fiscal Court that is in the county's best interest.
- B. Transfers: Franklin County may fill vacancies by transferring any current employee, provided that the employee meets or exceeds the job requirements for the position(s) they are being transferred to. The Fiscal Court shall be notified contemporaneously of any transfer to which position the employee is being transferred to.

Transfer requests from employees will be treated like applications for employment in that the county will select the most qualified individual to fill the vacancy. Personnel who have requested transfer to vacant positions within the county will also have to compete with applicants who have applied for the vacant position. Additionally, the County Judge/Executive will insure that any transfer granted will be in the best interest of the county and will not have an adverse affect on the losing department.

- C. Open Application Policy: Franklin County shall accept applications for employment at any time during regular business hours. Current employees may apply for vacant positions within the county provided they meet the qualifications requested by the hiring authority. If the County Judge/Executive determines that a new hire is in the best interest of the county, they may advertise to fill the vacancy and select the most qualified candidate from the applications received. If an individual is not selected for whatever reason, their application will be maintained on file with the Fiscal Court for six months. Should a situation arise where the County Judge/Executive needs to

fill a vacancy, those applications on file can be used to select an individual to fill a vacant position, provided the applicant is qualified for the position.

- D. Recruitment: If determined by the County Judge/Executive that it would be in the best interest of the county to obtain a larger pool of candidates for a position opening, the County Judge/Executive may simultaneously post position openings internally as well as advertise publicly. Any such public recruitment shall be in accordance with Section 3.22 “Announcement of Vacancies.”
- E. To address vacancies which may arise in the County Fire Department, the County shall maintain a Fire Department Hiring List containing the eligible candidates. Eligibility shall be based upon uniform testing scores obtained from the Fire Department test, which shall be administered annually and no later than October 1, or as soon as practical thereafter. The list shall be maintained for a period of twelve (12) months, unless approval by the County Judge/Executive is granted for an extension. In the event a candidate is unavailable, the list is insufficient or other needs arise which require testing, the Department shall permit additional testing for candidates, with the approval of the Judge/Executive and notice to the Fiscal Court.
- F. In the event an emergency situation arises, the County Judge/Executive may hire a part-time employee on a temporary basis until the situation has been resolved. The Fiscal Court shall be notified contemporaneously of the new hire.
- G. Applications for part time, temporary, or seasonal park employees shall be reviewed by the Park Director and Human Resources Director. If applicants are qualified for the vacant positions and funding is available in the budget, they shall be considered for hire and a list of the recommended candidates shall be provided to the Fiscal Court at the next scheduled court meeting. The maximum number of eligible part time, temporary or seasonal park employees shall not be limited to a maximum number of positions due to scheduling requirements. A background check and drug screening shall be required prior to hire.

**Section 3.22: Announcement of Vacancies**

If recruitment is initiated per Section 3.21 (B), (C) or (D) above, notices of employment opportunities shall be publicized in the local newspaper and posted on the County website to provide interested and qualified persons with an opportunity to apply.

**Section 3.23: Applications and Forms**

- A. Applicants must apply on forms provided by the county.
- B. Applications will be considered active for six months.
- C. The application form may be subject to change due to state and federal mandates.
- D. The application form will contain a space for the Selective Service Registration number for male applicants who are at least 18 years, but not yet attained the age of 26.
- E. The application form shall be reviewed annually. The County Judge Executive shall update and ensure that the form meets the latest requirements.

**Section 3.24: Certification of Eligibility for Positions**

- A. No person may be appointed to a position unless verified information on an official Employment Application indicates that they meet the qualifications for the position as set forth in the class specification.
- B. In the event the position to be filled is a department head or supervisor, the Judge/Executive and at least one magistrate shall review the proposed job description, salary and qualifications and the Judge/Executive shall make any changes necessary prior to the notice of vacancy. At least one magistrate will assist the County Judge/Executive in conducting the interviews. In the event that the vacancy is for a staff position, the department head shall prepare and present to the Judge/Executive a proposed job description and qualifications, and the Judge/Executive shall make any necessary changes prior to the notice of vacancy. Ref. KRS 67.710 (7).
- C. The qualifications of an applicant for a position shall be ascertained on the basis of one or more of the following:
  - 1. Information the applicant supplies on the official employment application,
  - 2. Written, performance or physical tests or examinations, or any combination, which may be required by the County Judge/Executive.
  - 3. A joint personal interview conducted first by the department head whose organization has the vacancy and the County Judge/Executive or designee. If needed, a second interview will be conducted prior to official notification and offer to the applicant. Once the applicant accepts the offer of employment, the County Judge/Executive will request approval from the Fiscal Court to hire the applicant.
  - 4. Information and evaluations supplied by the references given by the

- applicant, or
  - 5. Other appropriate information as determined.
  - 6. The County will conduct background investigations on all applicants for employment prior to an offer being made.
- D. All candidates for employment shall have at the time of hire a minimum education of a high school diploma or GED. The Court may waive this requirement.

**Section 3.25: Initial Probation Period (Introductory)**

- A. All personnel initially appointed, rehired, transferred or promoted to an established position shall be on probation status for six (6) months. The probation period may be extended by the County Judge/Executive at their discretion or upon the department head's recommendation, for up to one year.
- B. Any employee who has already served an initial probation period and is promoted or transferred to a new position shall be in a transfer probationary status and may be reinstated without right of appeal to the position from which they were promoted or transferred, or to a comparable position.
- C. A new employee may be dismissed without right of appeal during the original probation period at any time.
- D. Benefits including, but not limited to: retirement, health insurance, life insurance, vacation, sick, and other leave, are provided to full-time eligible employees. Health and life insurance benefits will be in effect in accordance with rules of the provider, but shall begin as soon as practical after hire.
- E. A new employee is not eligible for a pay increase until they have successfully completed their six-month probationary period. Upon completion of their probationary period, the employee may be eligible for the annual CPI authorized by the Franklin County Fiscal Court subject to the recommendation of the department head and availability of funding in the budget and will begin the next payroll following successful completion of the probationary period.
  - 1. The Fire Department has their own compensation plan and is exempt from Section 3.25 E.
  - 2. The Road Department provides a 3% increase upon successful completion of the employee's six-month probationary period and receipt of their CDL license, therefore would be exempt from Section 3.25 E.

**Section 3.26: Transfers**

- A. Any employee occupying an established position may request a transfer from one position to a comparable position by making the request through the department head to the County Judge/Executive, if:
  - 1. They possess the appropriate qualifications for the position
  - 2. The employee is not serving an original probationary period; and
  - 3. The position is vacant.
- B. The “Methods of Filling Vacancies” (Section 3.21) also includes procedures for employee transfers.
- C. All transfers will be consistent with county needs.

**Section 3.27: Promotion**

- A. A promotion cannot be made unless there is a vacancy or a new position/class established.
- B. A person may be promoted from one position to another only if they have the qualifications for the higher position. The same procedure as those authorized for ascertaining qualifications for initial appointment to a position as set forth in Section 3.24 “Certification of Eligibility for Position” shall be followed.
- C. The “Methods of Filling Vacancies” (Section 3.21) also includes the County Policy relative to promotions.
- D. All employees have the right to apply for vacant positions as set forth in Section 3.21.

**Section 3.28: Disciplinary Action**

- A. Franklin County shall be patient, fair and consistent in the administration of the organization and its employees. When problems arise, emphasis is on improvement and correction rather than punishment. However, willful, continued, or inexcusable breaches of employment rules must be dealt with firmly under a uniform policy, applicable to all employees. Employee misconduct will result in disciplinary action up to and including dismissal.
- B. Employee misconduct shall include, but is not limited to the following acts:
  - 1. Incompetence
  - 2. Inefficiency
  - 3. Dishonesty, including but not limited to:
    - a. Deliberately making or issuing falsified records, materials

- requisitions, etc.
- b. Lying
- c. Personal use of county property or supplies
- d. Theft of county property or supplies
- e. Deliberate waste, and
- f. Supplying false information on an Employment Application.
- 4. Improper conduct, disrespectful conduct, insubordination
- 5. Neglect of Duty, including but not limited to:
  - a. Repeated tardiness
  - b. Leaving assigned work area without permission
  - c. Failure to attend scheduled meetings
  - d. Refusal to accept reasonable work assignment
  - e. Stopping work before specified time
  - f. Deliberate interruption of work
  - g. Loitering, loafing or sleeping on the job; and
  - h. Unsatisfactory work or attitude
- 6. Failure to keep time sheets accurately or completing another employee's timesheet
- 7. Fighting or horseplay on county's premises at any time
- 8. Attempting bodily injury to another person
- 9. Failure to observe safety rules
- 10. Abusive or obscene language
- 11. Discourtesy to the public or fellow employees
- 12. Conviction of a felony
- 13. Untidy or inappropriate attire, torn uniforms and other failures to maintain a clean neat appearance
- 14. Reporting to work under the influence of intoxicants or illegal drugs
- 15. Use of intoxicants or illegal drugs while on the job
- 16. Gambling while on duty
- 17. Improperly discussing or disclosing confidential information
- 18. An accumulation of incidents of employee misconduct
- 19. Failure to follow any other rule, regulation, operating procedure or job requirement not specifically mentioned above
- 20. Frequent or excessive absenteeism
- 21. Failure to provide notice to the County Judge/Executive or department head by 9:00 a.m. of absence for any reason
- 22. Refusal to report to work when called, unless a bona fide emergency exists
- 23. Loss of Driver's License/Driving Privileges when driving is required for performance of assigned duties
- 24. Solicitation and the distribution of non-work-related literature during work

C. When an employee commits any violation of Section 3.28 (B) or fails to follow any rule, regulation, operating procedure or job requirement, one of the following measures shall apply, depending upon the circumstances involved and the severity of the offense. These discipline measures are not exclusive as situations may require more severe sanctions, depending on the nature of the violation:

1. Verbal warning/reprimand (counseling)

In the case of a minor infraction, the immediate supervisor, department head or the County Judge/Executive shall administer verbal counseling and explain the actions necessary to correct the problem as soon as possible after the offense.

2. Written Warning:

a. If appropriate, the immediate supervisor or department head and/or the County Judge/Executive shall give the employee a written warning specifying the reason(s) for such warning, noting any previous verbal and/or written warnings. Written warnings shall state that the employee's performance will now be reviewed on a regular basis for signs of improvement and explain the consequences of further infractions.

b. The employee shall sign the written warning as evidence of their seeing and understanding the circumstances that resulted in the written warning being administered. The employee's signature does not constitute agreement or disagreement with the warning, only verification that the employee has seen the warning. A copy of the written warning shall be placed in the employee's personnel file.

3. Suspension:

In situations where the county has become aware of alleged or actual misconduct by an employee which, if true, could result in disciplinary action, the County Judge/Executive may suspend the employee with or without pay if it is determined that action is necessary to assure public confidence in governmental oversight of its employees, to assure the integrity of the County's inquiry in the allegations, or as a disciplinary action.

In the event it is necessary to suspend an employee with pay, the following procedures shall be followed:

a. The county shall immediately provide written notification to the employee informing them of the suspension and the nature of the allegations being investigated. In the event it is deemed necessary to suspend the employee immediately upon learning of a particular situation, the employee shall be provided written verification of the suspension within 24 hours.

- b. Consistent with existing personnel procedures, a copy of the written notice of suspension shall be filed in the employee's personnel file. The investigation shall not be delayed for any reason and shall be conducted within a reasonable time.
- c. If the allegations against the employee are valid, the County Judge/Executive shall invoke disciplinary action as deemed appropriate. These actions shall not include payment of wages in the event the suspension is extended beyond the investigation period; or
- d. If the allegations against the employee are found invalid, the employee shall immediately be returned to work.
- e. During the time an employee is on suspension with pay they are considered to be performing services for the county. Therefore, the employee must remain available to return to work within 24 hours of receiving written or verbal notice of return to work. In the event the employee is notified of reinstatement verbally to return to work the county shall follow-up in writing within 24 hours.
- f. Nothing in this policy or procedure should be construed as limiting the authority of the local government to suspend an employee without pay in those instances deemed appropriate.
- g. In the event of a suspension, Fiscal Court shall be notified contemporaneously with the notice of the suspension.

4. Pre-termination (dismissal) conference:

An employee who has been notified of the intent to dismiss them has the right to appear personally, or with counsel, at a pre-termination conference held before the County Judge/Executive. The following procedures shall be followed in those instances where the employee desires a pre-termination conference:

- a. The request for a pre-termination conference must be made, in writing, to the County Judge Executive within ten (10) working days of the employee's receipt of the notice of intent to dismiss, excluding the day it was received.
- b. The pre-termination conference shall be held within ten (10) working days after receipt of the employee's request, excluding the day it was received.
- c. The pre-termination conference is informal. It gives the employee the opportunity to respond to charges contained in the notice of intent to dismiss.
- d. Within five (5) working days, excluding the day of the pre-termination conference, the County Judge/Executive shall uphold, alter, modify, or rescind the intended dismissal. The employee will be notified in writing of the County

- Judge/Executive's decision, and the reasons for it.
- e. Such action shall be recorded in the employee's personnel file.
5. Dismissal:
- a. Where minor offenses are continually repeated, or misconduct is serious enough for discharge on the first offense, the department head may recommend dismissal of an employee.
  - b. The recommendation shall include the reason(s) for the dismissal, details of previous disciplinary action taken against the employee and the recommended effective date and time of dismissal.
  - c. Final and formal dismissal of an employee shall come from the County Judge/Executive (with or without departmental recommendation); who shall notify the employee in writing of the intent to dismiss.
  - d. A copy of the notification shall be placed in the employee's personnel file and a copy shall be provided contemporaneously to the Fiscal Court.
6. Demotion or transfer:
- a. In the event that an employee fails to perform (for whatever reason) the duties as stated in the class specification, they may be transferred or demoted in lieu of taking any disciplinary action, provided the employee meets the qualifications for the position, and the position is vacant.
  - b. Such actions shall be recorded in the employee's personnel file and a copy of the determination provided to Fiscal Court.

**Section 3.29: Resignations**

- A. An employee will be regarded as having resigned their position if they give notice, written or verbal (with witness), to their immediate supervisor or the County Judge/Executive. Unless approved in advance by the County Judge/Executive, failure to give at least two weeks' notice may be cause for denying future employment with the county and forfeiture of payment of accumulated vacation or compensatory time.
- B. An employee's resignation and its attending reasons shall be recorded in the employee's personnel file.
- C. Any employee who is absent from work for three (3) consecutive work days and fails to notify their supervisor may be considered to have abandoned the job and may be deemed to have resigned, and their employment with the county shall terminate immediately.

**Section 3.30: Reinstatement and Rehires**

- A. The County Judge/Executive shall reinstate into their former position or a comparable position any employee who fails to satisfactorily complete the probationary period in a position to which they have been promoted. The reinstated employee shall receive the rate of pay which was received at the time of promotion.
- B. Any employee leaving in good standing who is rehired after two years of separation from county service shall be considered a new employee. Individuals rehired within two years of leaving in good standing shall have previous seniority and unused leave benefits or accrual eligibility. Insurance benefits will be reinstated in accordance with the guidelines of the insurance company's policy.

**Section 3.31: Retirement**

Franklin County does not have mandatory retirement age. Eligible employees are entitled to all benefits earned under the provisions provided by the County Employee Retirement System (CERS).

**Section 3.32: Examinations (Medical)**

Should a medical examination be made a condition for employment Franklin County shall pay 100% of the costs (including necessary travel costs) for all required medical examinations related to employment.

**Section 3.33: Political Activity**

- A. No employee, as a condition of employment or continued employment, shall be required to contribute to or campaign for any candidate for political office.
- B. No employee of the county shall engage in political activity during their assigned duty hours. Violators are subject to disciplinary action, up to and including dismissal.
- C. County employees may only run for non-partisan office.

**Section 3.34: Lunch Break**

- A. Employees, except in special cases, shall take a one-hour unpaid lunch period.
- B. The Road Department, due to unique work and responsibilities, shall take a half-hour lunch break. These employees are not paid for this break.

**Section 3.35: Lay Off**

- A. The Franklin County Judge/Executive may lay off an employee because of lack of work or funds. The order of layoff shall be established on the basis of the needs of the county as determined by the County Judge/Executive and approval of Fiscal Court.
- B. Layoffs:
  - 1. Consideration shall be given to seniority, performance record and merit of the persons considered for layoff.
  - 2. Part-time, temporary, and probationary employees in a class shall be laid off before other persons in the class are laid off.
- C. One week before the effective date (except emergencies approved by the Fiscal Court) of the layoff of a regular full-time employee, the County Judge/Executive shall:
  - 1. Notify the employee of the layoff,
  - 2. Explain the reasons for the layoff, and
  - 3. Inform the Fiscal Court of the layoff(s).
- D. A copy of the notice shall be retained in the employee's personnel file.

**Section 3.36: Gifts and Gratuities**

Employees of Franklin County may not receive or accept any personal gifts or gratuities that obligate the county or its employees in any way or are given with the intent to influence. A personal gift is generally defined as one, which is expressly for an individual and is not an object produced for general distribution as a means of advertising such as inexpensive pens or calendars. (Refer to County Ethics Commission for specifics)

**Section 3.37: Personal Conduct, Appearance and Hygiene**

- A. Images presented and statements made by all employees of the county can affect the entire organization. Therefore, employees are expected to be friendly, courteous and appropriately dressed at all times.
- B. The county expects its employees to present themselves for work in such a manner that reflects good personal hygiene. Personnel who are required to wear uniforms as provided by the county will insure that their uniforms are well maintained, clean and serviceable every day.

**Section 3.38: Safety and Injuries**

- A. Ensuring the health and safety of all county employees is a major goal. It is the intent of the county to make every employee’s job safe in all respects; therefore, all employees shall report all hazardous conditions in their work area at once to their immediate supervisor.
  
- B. All work related injuries shall be reported to the employee’s supervisor immediately. Once the supervisor has been informed of the injury, the injured employee will be sent to the Human Resources Director to file a Workers’ Compensation claim, if needed.

Franklin County has a Safety Committee, which is made up of representatives from every agency within county government. The Committee shall meet on a quarterly basis and is charged with assisting in the safety training and safety awareness within the county’s work force. Any person who has concerns regarding safety can present concerns to their department head and to the Safety Committee representative for their department.

**Section 3.39: Harassment/Sexual Harassment**

The county is committed to maintaining a work environment free of discrimination and harassment. Conduct that affects tangible job benefits, that interferes with an individual’s work performance, or that creates an intimidating, hostile, or offensive working environment will not be tolerated.

**Harassment – Definition:**

- A. Harassment on the basis of race, color, religion, gender, sexual orientation, national origin, age, sex or disability constitutes discrimination per se in the terms, conditions, and privileges of employment. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, color, religion, gender, sexual orientation, national origin, age, sex or disability, or that of their relatives, friends, or associates, or otherwise and that:
  - 1. Has the purpose or affect of creating an intimidating, hostile, or offensive work environment,
  - 2. Has the purpose or affect of unreasonably interfering with an individual’s work performance,
  - 3. Otherwise adversely affects an individual’s employment opportunities.
  
- B. Harassing conduct includes, but is not limited to, the following:
  - 1. Epithets, slurs, negative stereotyping, threatening, or intimidating

- acts, that relate to race, color, religion, sexual orientation, gender, national origin, age, sex or disability.
2. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, gender, sexual orientation, national origin, age, sex or disability and/or otherwise that is placed on walls, bulletin boards, or elsewhere on the employer's premise, or circulated in the workplace.

### **Harassment – Complaint Procedure:**

Employees encountering harassment should tell the offending person that their actions are inappropriate and offensive. The employee shall document all incidents of harassment for investigative purposes. In addition, the employee shall notify their immediate supervisor of the harassment as soon as possible so that corrective steps may be taken and those appropriate investigative and disciplinary measures may be initiated.

### **Sexual Harassment – Further Definition:**

Inappropriate sexual advances, requests for sexual favors, and other physical, verbal or visual conduct based on sex constitute sexual harassment when:

- A. Submission to such conduct is either explicitly or implicitly made a term or condition of employment,
- B. Such conduct has the purpose or effect of reasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- C. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexual oriented "kidding" or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact with another, such as patting or pinching another's body.

### **Harassment – False Accusations:**

The county recognizes that a false accusation of harassment or sexual harassment can have a serious effect on innocent employees. Individuals falsely accusing another of harassment or sexual harassment will be disciplined or dismissed in accordance with the nature and extent of the false accusation.

### **Harassment – Employee Inquiry Procedure:**

The county encourages any employee to raise questions they may have regarding

harassment policy to their immediate supervisor, Human Resources Director or the County Judge/Executive. In the event that the County Judge/Executive or the Deputy County Judge/Executive becomes the object of harassment, they will address their concerns to the Executive Committee of the Fiscal Court for investigation and resolution. The resolution by the Executive Committee shall be final, and the Committee shall make its findings in writing.

**Section 3.40: Drug-Free Work Place**

The United States Congress enacted the Drug-Free Work Place Act of 1988, effective March 18, 1988. Franklin County Fiscal Court hereby adopts a Drug and Alcohol-Free Work Place Substance Abuse Policy.

**Section 3.41: Drug & Alcohol Free Work Place and Substance Abuse Policy**

A. Purpose and Goal

Franklin County Fiscal Court (FCFC) is committed to protecting the safety, health and wellbeing of all employees and other individuals in our workplace. FCFC recognizes that alcohol abuse and drug use pose a significant threat to county goals. In the interest of assuring the safety of the general public by employing persons in safety sensitive positions that do not abuse illicit substances, illegal drugs, and alcohol, this drug-free workplace policy establishes the balance of respect for individuals with the need to maintain an alcohol and drug-free environment.

Likewise, it is FCFC's additional purpose(s) and intent to accomplish the following with the establishment of this policy:

- To comply with all requirements of 803 KAR 25:280 regarding the establishment and maintenance of a Drug Free Workplace for the purposes of obtaining Certification from the Department of Worker's Claims.
- As a recipient of Federal funds, to comply with the Drug Free Workplace Act of 1988 (PL100-690. Title V, Schedule D).
- To comply with the Federal Department of Transportation regulations regarding employees holding Commercial Drivers Licenses (CDL).
- To reduce the number of accidents and injuries to employees, other persons, and property.
- To reduce absenteeism and tardiness, and to increase the productivity of all employees of the county.
- To help ensure that the reputation of FCFC as a whole and of the employees throughout the community.

It is with these stated goals in mind that the Franklin County Fiscal Court issues this policy, declaring itself a Drug and Alcohol Free Workplace and hereby issues these accompanying rules regarding drug and alcohol use in the workplace for Franklin County Fiscal Court.

The unlawful manufacture, distribution, dispensation, possession, or use of alcohol or a controlled or illicit substance is prohibited in the workplace.

B. Definitions

1. Accident: an unexpected and undesirable event resulting in damage or harm. For the purposes of this policy, the resulting damage or harm may constitute an injury which requires off-site medical attention be given to a person or damage to a vehicle or other property, including worker's compensation injuries. Any such incident resulting in the need for a reasonable person to file a police report shall be considered cause for post-accident drug/alcohol testing of the involved employee.
2. Alcohol: any intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl or isopropyl alcohol. This includes over-the-counter and prescribed medications which contain more than one-half (1/2) of one percent (1%) of alcohol by volume.
3. Alcohol Concentration: the alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.
4. Commercial Motor Vehicle: a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property.
5. Controlled Substance: has the meaning as assigned by 21 U.S.C. 802 and includes all substances listed on Schedule I through V as they may be revised from time to time (21 CFR 1308). See also *Drug*.
6. Driver: any person who operates a commercial motor vehicle or county owned vehicle. This includes, but is not limited to: full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors who are either directly employed by or under lease to any employer or who operates a commercial motor vehicle at the direction of or with the consent of an employer.
7. Drug: a controlled substance as defined in KRS 218A.010 (5) and as established in 902 KAR Chapter 55, including:
  - a) Amphetamines
  - b) Marijuana metabolite
  - c) Cocaine
  - d) Opiates
  - e) Phencyclidine (PCP)
  - f) Benzodiazepines
  - g) Propoxyphene
  - h) URN Creatinine
  - i) Methadone

j) Barbiturates

8. Drug or Alcohol Rehabilitation Program: a service provider that provides confidential, timely, and expert identification, assessment, treatment and resolution of employee drug or alcohol abuse.
9. Drug Test: a chemical, biological, or physical instrumental analysis administered by a qualified laboratory, for the purpose of determining the presence or absence of a drug or its metabolites or alcohol pursuant to standards, procedures, and protocols established by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
10. Employee: an individual employed by the county.
11. Illicit Substance: prescription drugs used illegally or in excess of therapeutic levels as well as illegal drugs.
12. Medical Review Officer (MRO): a licensed physician with knowledge of substance abuse disorders, laboratory testing, and chain of custody collection procedures, and who has the ability to verify positive, confirmed test results. The MRO shall possess the necessary medical training to interpret and evaluate a positive test result in relation to the person's medical history or any other relevant biomedical information.
13. Qualified Laboratory: a laboratory certified in accordance with the National Laboratory Certification Program (NLCP) by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Services Administration (SAMHSA).
14. Random Selection Process: means that alcohol and drug tests are unannounced. Tests conducted annually for employees who are CDL drivers shall equal or exceed twenty-five percent (25%) for alcohol tests and fifty percent (50%) for drug tests of the total number of drivers subject to testing.
15. Reasonable Suspicion: a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific, objective, and articulable facts and reasonable inferences drawn from those facts in light of experience, training, or education. Reasonable Suspicion may be determined by two or more supervisory personnel who will attest to their observations. The County Judge Executive or his/her designee will make the final determination.
16. Refusal to Submit: the failure to provide adequate breath for testing without a valid medical explanation after the employee has received notice of the requirement for breath testing; refusal to take the required test(s) or the failure to provide adequate urine for controlled substances testing without a valid medical explanation after the employee receives notice of the

requirement of urine testing; and/or engaging in conduct that clearly obstructs the testing process.

17. Safety Sensitive Position(s): Those positions identified as Safety Sensitive include, but not limited to:

- County Sheriff's Office Employees
- County Jail Employees
- Heavy and Light Equipment Operators
- Personnel driving CDL regulated vehicles
- Mechanics who work on these regulated vehicles
- Any personnel operating FCFC owned vehicles

*NOTE: The positions identified above as being "Safety Sensitive" include, but are not limited to, those regulated under 49 CFR 40. While this program includes those federally mandated employees, this Drug and Alcohol Free Workplace Policy is not intended to replace and shall be separate from any Drug and Alcohol Free Workplace Policy previously adopted and implemented by FCFC which may have included only federally regulated employees.*

18. Substance Abuse Professional: a licensed or certified psychologist, social worker, employee assistance professional or addition counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders.

19. Volatile Substance: any glue, cement, paint or other substance as described in KRS 217.900(1).

C. Covered Workers

Designated Franklin County Fiscal Court employees and those individuals applying for a position are covered by our drug-free workplace policy. This policy includes, but is not limited to supervisors, full-time employees, part-time employees, off-site employees, and applicants.

D. Applicability

This policy applies during all working hours, while on call or paid standby and while performing work on behalf of FCFC while on or off FCFC property. Additionally, applicants for such county employment are subject to pre-employment drug testing. It also applies to all FCFC employees with special provisions designated to those employees identified as holding Safety Sensitive positions.

E. Policy Requirements

1. Training: The Franklin County Fiscal Court shall conduct substance abuse awareness training for all employees. This substance abuse awareness training shall consist of the following minimum requirements:

- a) Upon a conditional offer of employment from the County, each applicant shall be provided a copy of and will be asked to read the Court's Drug & Alcohol-Free Workplace Policy. All current employees will also be asked to read the Drug & Alcohol Free Workplace Policy and sign the Certification of Acknowledgement –Drug & Alcohol-Free Workplace Policies and Procedures Form.
- b) Initial training shall consist of at least 1-hour for all employees.
- c) Annual refresher training shall be conducted for all employees in substance abuse awareness and shall consist of no less than thirty (30) minutes.
- d) All alcohol and substance abuse awareness training shall include, at a minimum, information concerning:
  - 1) Alcohol and drug testing policy and procedures; effects of alcohol and drug use on an individual's health, work and personal life;
  - 2) Disease of alcohol or drug addiction;
  - 3) Signs and symptoms of an alcohol and drug problem;
  - 4) Role of co-workers and supervisors in addressing alcohol or substance abuse;
  - 5) Referrals to an Employee Assistance Program.
- e) In addition to all of the above training, all supervisory personnel shall receive an additional thirty (30) minutes each year of alcohol and substance abuse education and awareness training. This additional supervisory training will be documented, using the Supervisory Training Certification Certificate. This additional supervisory training shall consist of at least, all of the following:
  - 1) Recognizing the signs of alcohol and substance abuse in the workplace;
  - 2) How to document signs of employee alcohol or substance abuse;
  - 3) How to refer employees to the Employee Assistance Program or other alcohol and substance abuse treatment program; and
  - 4) Legal and practical aspects of Reasonable Suspicion testing for the presence of drugs and alcohol.

NOTE: Should any portion of this policy dealing with the actual administration of this policy be amended, employees shall be provided with copies of any administrative change or modification and given an opportunity to ask questions and obtain answers regarding any administrative change(s) in this policy. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

F. Drug and Alcohol Testing

The County currently utilizes the drug testing company contracted by the county as its laboratory of choice for the collection of urine samples in the case of testing for controlled substances, and for the administration of breathalyzer tests for

alcohol concentration. The drug testing facility is also the County's third-party administrator of choice for the random selection category of testing.

Employees are selected by the drug testing company using a statistically valid method of selection of specific employee codes. This random testing will be reasonably spaced over a twelve (12) month period. Because of the random nature of the selection process, any employee may be tested more than once, or not at all. Once collected, all urine samples are forwarded for analysis to a testing facility contracted by the county's drug testing company, which is a laboratory approved by the National Laboratory Certification Program (NLCP) under the United States Department of Health and Mental Services Substance Abuse and Mental Health Services Administration (SAMHSA).

The County shall administer alcohol and drug tests in circumstances which include, but may not be limited to the following:

1. Pre-Employment Testing

Breath alcohol and urine drug testing shall be required of all new hire applicants after their receipt of a conditional offer of employment. After receiving the conditional offer of employment, applicants will have twenty-four (24) hours in which to submit to testing at a testing facility of FCFC's choosing. The FCFC requires that every newly hired employee test free of controlled substances and have a breath alcohol concentration of not more than 0.00. Each offer of employment by FCFC shall be conditional upon the passing of controlled substance and alcohol tests.

Refusal by any applicant for employment with FCFC to take the controlled substance test will result in the conditional offer of employment being withdrawn. All testing under this policy will be in accordance with testing protocols described elsewhere in this policy.

- a) Any applicant with a confirmed positive test for controlled substances and/or breath alcohol in a concentration of 0.02 or greater which is not legitimately explained to and accepted by a Medical Review Officer, will not be considered for employment.
- b) Any applicant who fails a controlled substance or breath alcohol test may not be considered for future employment with FCFC.
- c) Any applicant who refuses to take a controlled substance or breath alcohol test will be disqualified from future consideration for employment.
- d) Any applicant who tampers with, or attempts to tamper with, a urine specimen in any manner shall be disqualified from current and future consideration of employment with the FCFC.
- e) Any applicant whose positive test is confirmed and upheld by the Medical Review Officer (MRO) may request that the same sample be retested at her/his own expense at a FCFC approved laboratory.

Individuals undergoing pre-employment testing shall not begin official employment with the FCFC until after all test results are received and shown to be negative. Upon receipt of the test result, positive or negative, the County Judge-Executive or his/her designee shall inform the appropriate department head of the results.

## 2. Random Testing

Employees in a Safety Sensitive position will be required to participate in a statistically valid, unannounced random selection process, which will subject them to mandatory drug and/or alcohol testing. This category of testing will conduct random tests for alcohol at a rate of no more than ten percent (10%) for non-federally regulated Safety Sensitive positions. Employees holding positions in which a Commercial Driver License (CDL) is required, must also be tested at a minimum rate of ten percent (10%) for alcohol annually to satisfy Department of Transportation (DOT) requirements.

In the case of random testing for drug use, non-federally regulated Safety Sensitive positions will be tested at a rate of no more than ten percent (10%). Employees holding positions in which a CDL is required, must be tested for drugs at a rate of fifty percent (50%) annually to satisfy DOT requirements. All employees in federally regulated Safety Sensitive positions shall be selected from a pool that is separate from the random selection pool for other non-federally regulated Safety Sensitive positions.

The Franklin County Fiscal Court shall utilize a third party to conduct the random selection of Safety Sensitive employees, including employees holding a CDL, to be tested. This random testing shall be unannounced and will take place throughout each calendar year. Safety Sensitive employees are selected by a third party administrator using a statistically valid, random method of selection using specific employee codes. Because of the random nature of this testing process, Safety Sensitive employees may be selected for testing more than once or not at all. Once an employee is notified that he/she has been selected for testing, the employee must proceed immediately to the testing site of FCFC's choosing.

NOTE: Employees in Non-Safety Sensitive positions will not be included in the random selection pool. However, Non-Safety Sensitive employees will be subject to testing for other reasons. Procedures and protocols for "Reasonable Suspicion", "Post Accident", "Return-to-Duty" and "Follow-up" testing all of which testing types are described elsewhere in this policy will apply in their case.

## 3. Reasonable Suspicion Testing

A reasonable suspicion test shall be based on a belief that an employee is using or has used drugs or alcohol in violation of this policy, drawn from specific objective facts and reasonable inferences drawn from those facts in

light of experience, training or education. The reasonable suspicion testing shall be based upon:

- a) While at work, direct observation of drug or alcohol use or of the physical symptoms or manifestations of being under the influence of a drug or alcohol;
- b) While at work, abnormal conduct, erratic behavior, or a significant deterioration in work performance;
- c) A report of drug or alcohol use provided by a reliable and credible source;
- d) Evidence that an individual has tampered with a drug or alcohol test during employment with the FCFC;
- e) Information that an employee has caused, contributed to, or been involved in an accident while at work;
- f) Evidence that an employee has used, possessed, sold, solicited, or transferred illegal or illicit drugs or used alcohol while on FCFC's premises or while operating FCFC's vehicle, machinery or equipment.

The County Judge/Executive or his/her designee shall be notified immediately of any indication of reasonable suspicion. Both the observing department supervisor and the County Judge/Executive or his/her representative will review the policies and procedures herein and if necessary make arrangements with a testing facility of FCFC's choosing to conduct reasonable suspicion drug and/or alcohol testing as soon as possible. If a representative from the Office of the County Judge/Executive is not available, the observing supervisor shall obtain the assistance of another FCFC supervisor or other credible and reliable source and together they shall complete the *Reasonable Suspicion Form*, and forward it to the County Judge/Executive or his/her designee. If after completing the form, it is determined that there is in fact, reasonable suspicion that the employee is under the influence of drugs and/or alcohol, the observing supervisor or his/her designee will notify the employee and accompany him/her to the testing site.

When a reasonable suspicion test is ordered, the employee must submit to testing within 45 minutes of being notified that he/she will be tested. The observing supervisor and/or designee shall remain at the testing site with the employee being tested, until the collection process is completed. Any employee who is tested for reasonable suspicion shall be placed on leave with pay until the results of the test are known. After submitting to the drug/alcohol test, the employee may not return to work until the results of the test are known and only then if the results are negative. Only the County Judge-Executive or his/her authorized designee may order a reasonable suspicion test.

#### 4. Post-Accident Testing

Drug and alcohol testing will be conducted following an employee's involvement in an accident in which property damage occurs, on or off FCFC's premises while on

duty, or in the course of employment for FCFC, or which requires off-site medical attention be administered to a person.

5. Qualifying Event Exception

Due to varying types of accident causes, all accidents categorized as a "qualifying event" may not require post-accident testing. Exceptions to the "qualifying event" for requiring post-accident drug and alcohol testing will include, but may not be limited to the following types of accidents:

- a) Injuries whose onset is cumulative or gradual — such as carpal tunnel syndrome, progressive hearing loss, mental disorders, dermatitis, respiratory diseases, skin disorders, etc.
- b) Injuries where the employee can be completely discounted as the major contributing factor or those injuries occurring during physical fitness or a training event, in which the employee did everything within reason to avoid the injury accident (i.e. was performing training as instructed).

In each case, the County Judge/Executive or his/her designee shall determine the necessity of drug and alcohol testing and shall communicate such testing with the involved employee and the employee's respective department head. The County Judge/Executive or his/her designee shall coordinate all required tests with the appropriate medical facilities.

An employee involved in an accident while on an out-of-town assignment, shall notify their department director or the director's designee as soon as possible but no later than two (2) hours after the accident occurred. The department director shall notify the County Judge-Executive or her/his designee to discuss possible drug/alcohol testing requirements.

6. Other Qualifying Event

The department director or his/her designee shall request controlled substance/breath alcohol testing when an employee caused or cannot be completely discounted from causing a vehicular or any other type of accident in which death, serious bodily injury or major property damage did result or could have resulted. If a post-accident-controlled substance/breath alcohol test is required, a confirmed positive test result will result in employee discipline, up to and including termination.

7. Return-To-Duty Testing

The Franklin County Fiscal Court maintains a treatment-oriented policy for drugs and/or alcohol. Once you are selected for a drug or alcohol test, should your test be positive, without a valid medical or bio-medical reason as confirmed by a Medical Review Officer, you will immediately be referred to treatment, intervention, and possible termination of your employment.

Only in circumstances in which the employee *voluntarily* elects to seek assistance for a substance abuse problem through the Employee Assistance Program prior to being selected for a test, completes whatever form of treatment a Substance Abuse Professional recommends and is willing to sign a Return to Work/Treatment Plan Agreement, will FCFC consider allowing the employee to return to work after treatment is successfully completed as confirmed by a Substance Abuse Professional.

In all cases, it shall be at the discretion of the FCFC subject to all applicable laws and regulations, as to whether to allow an employee to return to work. In the event that an employee who has voluntarily sought assistance, prior to being selected for a controlled substance or breath alcohol test is allowed to enter a controlled substance/alcohol abuse rehabilitation program, the employee may be allowed to return to work only under the following circumstances:

- a) The employee may resume regular duties only after the employee tests negative in an alcohol and/or controlled substance test administered by the FCFC approved laboratory and can provide a release to return to work from an appropriate substance abuse treatment facility or confirmation of continued and on-going participation in a FCFC recognized substance abuse assistance program. An employee must test negative within a reasonable period of time from receipt of the initial test results not to exceed forty-five (45) days. Any repeat occurrence of substance abuse or violation of any other aspect of the FCFC's Drug Free Workplace Policy will result in immediate termination.
- b. Prior to returning to work, the employee shall be required to meet with the County Judge-Executive or his/her authorized designee to receive an explanation of the terms of continued employment; and to sign a written Return-To-Work/Treatment Plan Agreement, detailing the terms under which the employee will be allowed to return to work. Such agreement shall stipulate that the employee, at the County's request, may be required at any time, to submit to interviews and/or evaluation by the professional staff at an appropriate chemical dependency treatment facility approved by the FCFC's Employee Assistance Program (EAP). The return-to-work agreement will also stipulate that the employee be required to submit to unannounced controlled substance and/or alcohol testing for up to twelve (12) months after resuming duties.

#### 8. Follow-up Testing

Any employee returning to work from successful completion of the Employee Assistance Program for drug and/or alcohol- related problems, or a drug and/or alcohol rehabilitation program, shall be required to undergo one (1) year of quarterly drug and alcohol testing. The frequency of the follow-up testing shall consider recommendations of any involved Substance Abuse Professional (SAP) but shall be not less than once per quarter (every three months) for at least one (1) year. All follow-up testing may be requested at any time and shall be unannounced.

## 9. Testing Protocol

The collection of samples and administration of drug and alcohol tests shall follow all standards, procedures and protocols set forth by the U.S. Department of Health and Human Services Substance Abuse and Mental Health Administration (SAMHSA). Test results will be obtained by a qualified laboratory as defined elsewhere in this policy and results shall undergo a medical review as follows:

- a) All test results shall be submitted for medical review by a Medical Review Officer (MRO) of the County's choosing, who shall consider the medical history of the employee or applicant, as well as relevant biomedical information.
- b) If there is a positive test result, the employee or applicant will be given an opportunity to report to the MRO the use of any prescription or over-the-counter medication.
- c) If the MRO determines that there is a legitimate medical explanation for a positive test result, the MRO may certify that the test results do not indicate the unauthorized use of alcohol or a controlled substance.
- d) If the MRO determines, after appropriate review, that there is not a medical explanation for the positive test result other than the unauthorized use of alcohol or a prohibited drug, the MRO shall refer the individual tested to the County Judge-Executive or his/her authorized representative for further proceedings in accordance with FCFC's Drug Free Workplace Policy.

Note: MRO determinations concerning the use of alcohol or a controlled or illicit substance shall comply with all procedures outlined in the U. S. Department of Health and Human Services (SAMHSA) "Medical Review Officer Manual for Federal Drug Testing Programs".

## 10. Testing Process

Employees shall report to the collection site of FCFC's choosing immediately after being provided the notification to test. In the case of reasonable suspicion testing, a supervisor or designee shall escort the employee to the collection site. Drug testing will be conducted by urine sample while alcohol testing will be analyzed using a breath alcohol testing/screening device. Drug and alcohol analysis will be performed by a trained technician.

To ensure that the test specimen is actually that of the donor, collection site staff will require positive identification of the test subject.

To ensure the accuracy and fairness of our testing program, all testing will be conducted according to Substance Abuse and Mental Health Services Administration (SAMHSA) guidelines where applicable and will include a screening test; a confirmation test; the opportunity for a split sample; review by a Medical Review Officer, including the opportunity for employees who test

positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result; and a documented chain of custody.

All drug-testing information will be maintained in separate confidential records.

#### Alcohol

Franklin County Fiscal Court shall require all tests for alcohol to be performed by a Certified Breath Alcohol Technician (BAT).

#### Drugs

An eleven (11) panel urine test will be conducted and shall include analysis for the following substances:

- a) Amphetamines;
- b) Marijuana Metabolite;
- c) Cocaine;
- d) Opiates;
- e) Phencyclidine (PCP);
- f) Benzodiazepines;
- g) Propoxyphene;
- h) URN Creatinine;
- i) Methadone;
- j) Barbiturates;

Each employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, return-to-duty and follow-up testing upon selection or request of management. Safety sensitive employees will be required to participate in all of the above, including random testing.

Any employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations, required to pass a Return-to-Duty test and sign a Return-to-Work Agreement, subject to ongoing, unannounced, follow-up testing for a period of five years and terminated immediately if he/she tests positive a second time or violates the Return-to-Work Agreement.

An employee will be subject to the immediate termination of employment if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, fails or declines to take a second drug test when directed, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

#### 11. Prohibited Behavior

It is a violation of the drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs or intoxicants.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage and/or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with safe performance of his/her job. If the use of a medication could compromise the safety of the employee, fellow employees or the public, it is the employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty, notify supervisor, notify company doctor) to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of the FCFC's Drug-Free Workplace Policy to intentionally misuse and/or abuse prescription medications. Appropriate disciplinary action will be taken if job performance deterioration and/or other accidents occur.

Franklin County Fiscal Court reserves the right to define and interpret prohibited activities that specifically include, but may not be limited to:

A. Alcohol

Prohibited conduct involving the use of alcohol includes the following:

1. The performance of or being immediately available to perform work duties while having an alcohol concentration greater than 0.02.
2. The consumption of alcohol or products containing alcohol during the performance of or being immediately available to perform work responsibilities.
3. In the case of Safety Sensitive employees, containing alcohol during the performance of or being immediately able to perform Safety Sensitive work responsibilities. This includes the possession of medicines containing alcohol (prescription or over-the-counter) unless the seal is unbroken and/or the medication is prescribed by a licensed physician, and said physician has confirmed the necessity of the Safety Sensitive employees' said possession of the prescribed substance containing alcohol and has confirmed that the use of such substance will not deter from the employee's ability to safely perform assigned Safety Sensitive responsibilities. In the latter case, a Prescription Drug Notification Form must be on file with the County Judge-Executive or his/her designee.
4. The performance of, or being immediately available to perform those responsibilities designated as Safety Sensitive, within four hours after using alcohol.
5. The transportation and/or possession of alcoholic beverages (open or closed containers) within FCFC owned vehicles or equipment. Note: Law enforcement personnel functioning within the scope of their assigned duties shall be considered exempt from this prohibition as deemed necessary by their respective department head(s).

6. The use of alcohol for eight hours immediately following an accident requiring a post-accident alcohol test or until a post-accident test is administered, whichever occurs first.
7. Refusal to submit or cooperate with any of the required testing types.

The operation of a FCFC owned vehicle following consumption of alcoholic beverages shall be considered a violation of this policy and shall result in discipline, up to and including termination.

*NOTE: Employees attending training programs and/or conferences related to their employment with FCFC may participate in social functions associated with the program or conference. If alcoholic beverages are present at the social function and the employee chooses to engage in consumption of said beverage(s), they shall do so at their own discretion. Employees who choose to engage in the consumption of alcoholic beverages as part of a work related social function shall do so in a responsible manner, maintaining a conduct that would not reflect adversely upon the FCFC. Any unbecoming conduct by an employee who has chosen to consume alcohol at such conference or training program that has an adverse effect upon the FCFC will be subject to disciplinary action up to and including termination of employment.*

#### B. Notification of Convictions

Employees are hereby notified that they shall inform the County Judge-Executive or his/her authorized designee, of any criminal charge or conviction within five (5) days of said charge or conviction. The County Judge-Executive shall take appropriate action within thirty (30) days.

#### C. Drugs or Controlled Substances:

Prohibited conduct involving the use of drugs or controlled substances includes, but may not be limited to, the following:

1. Possession of prescription and over-the-counter drugs when the drugs exceed the standard dosage and/or not in accordance with the physician's prescription. However, any Safety Sensitive employee taking prescribed or over-the-counter medications will, in all cases, be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of his/her Safety Sensitive job duties. Prior to initiating usage after such medications are prescribed, the Safety Sensitive employee shall submit a *Prescription Drug Notification Form* to their immediate supervisor who shall in turn, submit it to the County Judge-Executive or his/her designee as soon as possible.

After receiving such form, the County Judge-Executive or his/her authorized designee may request written medical authorization showing the Safety Sensitive employee may possess/use such medication, that it

was used in the prescribed manner and showing the Safety Sensitive employee is fit to safely perform Safety Sensitive assigned duties. If the use of such medication could compromise the safety of the Safety Sensitive employee, fellow employees, or the public at large, it is the Safety Sensitive employee's responsibility to use appropriate personnel procedures (e.g., call in sick, use leave, request change of duty and notify his/her supervisor) to avoid unsafe workplace practices. No prescription drugs shall be brought onto FCFC property, or consumed on county property by anyone other than the individual for whom the drugs have been prescribed by a licensed medical practitioner. The illegal or unauthorized use of prescription drugs is strictly prohibited. It is a violation of the FCFC's Drug Free Workplace Policy to intentionally misuse and/or abuse prescription medications.

Any intentional misuse and/or abuse of prescription medication will result in termination.

FCFC reserves the right to have a designated physician of its choosing to determine if a prescription drug or medication produces effects that would be considered unacceptable in the performance of assigned Safety Sensitive work duties. The designated physician has final determination on whether the medication will have or is having an unacceptable effect on the Safety Sensitive employee's performance of duties. In such instances of temporary impediment to safe performance of regular Safety Sensitive duties, the Safety Sensitive employee may be temporarily reassigned to duties requiring a lesser safety awareness level if such duties are available.

*All doctor's statements and related medical information shall be confidential and maintained in a separate medical file in the Human Resources Office.*

2. Testing positive for any of the prohibited substances during the performance of or immediately prior to or during the performance of work responsibilities.
3. Refusal (as defined elsewhere in this policy) to cooperate with any of the requested testing types.
4. Tampering with or attempting to alter, or actual altering of a test specimen is strictly prohibited and is grounds for immediate termination from employment with the FCFC.

#### D. Volatile Substances

The intentional misuse, manufacture, sale, distribution, dispensation, or possession of a volatile substance as defined in KRS 217.900 which includes any glue, cement, paint or other substance containing a solvent or chemical having the property of releasing toxic vapors or fumes which when intentionally inhaled may

cause a condition of intoxication, inebriation, stupefaction, dulling of the brain or nervous system, or distortion or disturbance of auditory, visual, or mental processes while at work, while on FCFC property, or while conducting FCFC business while off FCFC property, is strictly prohibited and is considered cause for immediate discipline, up to and including termination.

## VI. Consequences

One of the goals of our drug-free workplace program is to encourage employees to voluntarily seek help with alcohol and/or drug problems. If, however, an individual violates the policy, the consequences are serious.

In the case of applicants, if he or she violates the drug-free workplace policy, the offer of employment shall be withdrawn. The applicant may reapply after six months and must successfully pass a pre-employment drug test.

If an employee violates the policy, he or she will be subject to progressive disciplinary action, up to and including termination of employment and may be required to enter rehabilitation. An employee required to enter rehabilitation who fails to successfully complete it and/or repeatedly violates the policy will be terminated from employment. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations and/or performance problems.

## VII. Assistance

Alcohol and drug abuse and addiction are recognized as diseases responsive to proper treatment. The FCFC provides a level of care through its Employee Assistance Program (EAP). It also realizes that early intervention and support improve the success of rehabilitation. To support the employees, FCFC's Drug-Free Workplace Policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals in the community to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee benefit plan. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

Employees who voluntarily report a substance abuse problem *prior* to being required to take a controlled substance or alcohol test as defined in this policy, will not be subject to disciplinary action if they voluntarily and conscientiously seek substance abuse assistance and agree to a treatment plan. However, such an employee must understand that if the problem is not corrected and satisfactory job performance is not maintained, he or she

will be subject to disciplinary action up to and including termination of employment. Failure to seek such assistance, or failure to abide by the terms of the treatment plan, shall be grounds for termination. Upon voluntarily reporting a substance abuse problem, the employee will be required to sign a *Substance Abuse Treatment Plan Return-to-Work Agreement Form* that will further define conditions of continued employment.

#### VIII. Confidentiality

All information received by FCFC through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

FCFC shall maintain records and documents of all alcohol and drug test results, schedules for follow-up tests and records relating to evaluation and referrals. These records shall be maintained for a period of at least five (5) years. FCFC shall provide test result information or other pertinent information relating to an applicant or existing employee's alcohol or controlled substance tests upon the applicant or existing employee's written request, and shall do so within three (3) working days of being notified of the request.

#### IX. Policy Administration and Enforcement

It shall be the responsibility of the County Judge/Executive or his/her designee to administer and enforce this policy. This policy and its programs are not to be interpreted or modified by any other county supervisor or director.

#### X. Responsibility

While it is ultimately FCFC's legal, ethical, and moral responsibility to create and maintain a safe and productive drug-free workplace for its employees, and the citizens of Franklin County, such safety is achieved through cooperation and shared responsibility. Both employees and management have important roles to play.

All employees are required to not report to work or be subject to duty while their ability to perform job duties is impaired due to on or off duty use of alcohol or other drugs.

In addition, employees are encouraged to:

- Be concerned about working in a safe environment.
- Report dangerous behavior to their supervisor.

It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.
- Counsel employees as to expected performance improvement.
- Clearly state consequences of policy violations.

XI. Communication

Communicating the drug-free workplace policy to both supervisors and employees is critical to its success. To ensure all employees are aware of their role in supporting FCFC’s drug-free workplace program:

- All employees will receive a written copy of the policy.
- The policy will be reviewed in orientation sessions with new employees.
- The policy and assistance programs will be reviewed at safety meetings. Every supervisor will receive training to help him/her recognize and manage employees with alcohol and other drug problems.

NOTE: The Franklin County Fiscal Court may change, modify, amend or rescind any part of this policy at any time that deals with the actual administration of the policy itself. However, changes may not be made to the policy that would circumvent any requirements associated with 803 KAR 25:280.

**Fringe Benefit Provisions:**

**Section 3.42: Holidays**

- A. The following days are declared paid holidays at the regular rate of pay for all FULL-TIME county employees:
1. New Year’s Day, January 1,
  2. Martin Luther King, Jr. Day, Third Monday in January,
  3. Spring Holiday, One-half day, Friday before Easter,
  4. Memorial Day, last Monday in May,
  5. Independence Day, July 4,
  6. Labor Day, first Monday in September,
  7. Veteran’s Day, November 11,
  8. Thanksgiving Day, 4th Thursday in November,
  9. Day After Thanksgiving Day,
  10. Inauguration Day, the fifth Tuesday following the General Election in gubernatorial election years,
  11. Christmas Eve, December 24,
  12. Christmas Day, December 25, and
  13. New Year’s Eve, December 31.

Note: The County Judge/Executive can vary the holiday schedule should

circumstances dictate, however, the Franklin County Fiscal Court must approve any variations.

- B. When any holiday listed above falls on Saturday, the preceding Friday will be observed. If the holiday falls on Sunday, the following Monday shall be considered a holiday.
- C. When it is essential for an employee to work on a declared holiday, they shall be compensated for actual hours worked. In no case will compensatory time be given to any employee who, by virtue of their work schedule, does not work on an official county holiday.
- D. In addition to the above, any day may be designated as a holiday by proclamation of the Fiscal Court.
- E. In order for an employee to be paid for a holiday, they must work the last scheduled day before or the first scheduled day after the holiday unless the absence(s) is/are approved in advance or accompanied by a valid doctor's excuse. Probationary employees shall receive holiday pay.

**Section 3.43: Vacation**

- A. Full-time employees (not including firefighters) shall be entitled to vacation leave at the following rates:

<u>Months of Service</u>	<u>Accumulated Vacation Time</u>
0-59 months	1 day per month
60-119 months	1 ¼ day per month
120-179 months	1 ½ day per month
180-239 months	1 ¾ day per month
240 months and over	2 days per month

Each full-time employee must be employed more than half of the workdays in the month to accrue vacation time.

- B. Employees may carry annual leave forward from one calendar year to the next at the following accumulation limits (leave in excess of maximum shall be converted to sick leave at calendar year end):

<u>Months of Service</u>	<u>Maximum to Carry Forward</u>
0-59 months	30 working days (225.0 hours)
60-119 months	37 working days (277.5 hours)
120-179 months	45 working days (337.5 hours)
180-239 months	52 working days (390 hours)
240 months and over	60 working days (450 hours)

- C. Employees taking vacation days shall request approval from their supervisor at least twenty-four (24) hours prior to the start date of their intended vacation.

Supervisors may disapprove any vacation request that is not so requested or if the vacation would have an adverse effect on the department's operation. A waiver may be granted by the County Judge/Executive on a case by case basis if twenty-four (24) hour notice cannot be given prior to vacation leave use.

- D. For accrual purposes, a new employee who reports to work on or before the 15th of the month shall accrue the full amount of vacation for that month. If an individual is employed on or after the 16th of the month, they shall begin accruing vacation leave on the 15<sup>th</sup> day of the following month.
- E. No employee will be permitted to take advance leave or leave that has not been accrued.
- F. An employee who is terminated shall be paid for all accumulated vacation leave, excluding probationary employees who have not successfully completed their probation.
- G. Absences on account of sickness, injury or disability in excess of that authorized for such purposes may, at the request of the employee and with the approval of the department head, be charged to vacation leave credit.
- H. The Payroll Administrator shall keep and maintain complete records of employee vacation leave totals. An employee fraudulently obtaining vacation leave or a department head falsely certifying vacation leave allowances shall be subject to disciplinary action.
- I. Firefighters' vacation leave shall be governed by separate policy and procedure to be approved by the Court.

**Section 3.44: Sick Leave**

- A. All full-time Franklin County employees (excepting firefighters) shall accrue sick leave at the following rate:  

Each full-time employee shall accrue sick leave with pay at the rate of twelve (12) days per year or one (1) day per month. An employee must be employed more than half of the workdays in the month to accrue a sick leave day.
- B. There is no limit to the number of sick leave days that may be accrued.
- C. For accrual purposes, a new employee who reports for work on or before the 15th of the month shall accrue the full day of sick for that month. If an individual is employed on or after the 16th of the month, they shall begin accruing sick leave on the 15<sup>th</sup> day of the following month.
- E. Employees may utilize sick leave credit when they are incapacitated from the performance of duties due to personal sickness or injury, when they are

quarantined, or illness or injury of immediate family. The immediate family shall be deemed to include parents, grandparents, spouse, children, siblings, and in-laws.

- E. An employee on unscheduled sick leave shall inform their department head of the absence as soon as possible. Employees using sick leave should give notice to the department head no later than 9:00 a.m. on the day of the event. Failure to comply, unless there is a mitigating reason, may be cause for denial of sick leave with pay for the period of absence. Further, unauthorized absence shall result in disciplinary action.
- F. Absence for part of a day that is chargeable to sick leave shall be charged proportionately in an amount not smaller than one-quarter (1/4) of an hour.
- G. The Payroll Administrator shall keep complete records of sick leave. An employee fraudulently obtaining sick leave, or department head falsely certifying sick leave allowance for absence from work, shall be suspended or dismissed. A doctor's statement shall be required for all absences for three or more consecutive days due to illness. A supervisor or department head may require a doctor's statement for absences of less than three days due to illness where abuse of sick leave is suspected.
- H. Employees are not entitled to receive pay for accumulated sick leave upon termination or retirement.
- I. Former employees who are reinstated or reemployed shall have unused sick leave balances restored upon appointment and the balances adjusted accordingly per Section 3.30.

**Section 3.45 Sick Leave Sharing Policy**

- A. An employee who has accrued a sick leave balance of more than seventy-five (75) hours may request that the county make available for transfer a specified amount of their sick leave balance to another named county employee. The employee may not request a transfer of an amount of leave that would result in reducing their sick leave balance to less than forty (40) hours.
- B. The employee to receive sick leave transfers must meet the following criteria:
  - 1. Exhausted all accumulated leave,
  - 2. Complied with all policies to date with respect to attendance and the use of sick leave,
  - 3. Obtained written permission from co-worker(s) to have a specified number of hours transferred to the requesting employee, and
  - 4. Requested in writing to the County Judge/Executive to receive transferred sick leave.

**Section 3.46: Disability Leave**

- A. Any employee who suffers serious injury or illness as a result of service connected accident or illness shall be compensated at the negotiated rate with the county's workers compensation insurance company.
- B. No other benefit is implied.

**Section 3.47: Parental Leave**

- A. Parental leave may be granted for full-time employees with temporary disability due to pregnancy, childbirth, or any impairment thereof, and miscarriages for a period not to exceed twelve (12) weeks.
- B. The employee may use accrued sick leave, then accrued vacation leave, any compensatory time (if applicable) and the remaining period off without pay. Parental leave, once all other leave has been exhausted, is eligible for sick leave sharing, per Section 3.45 above.

**Section 3.48: Bereavement (Funeral) Leave**

Full-time employees may use sick leave in case of death in the immediate family (parents, grandparents, spouse, siblings, children, and in laws).

**Section 3.49: Special Leave**

- A. In addition to authorized leave, the County Judge/Executive may authorize an employee to be absent without pay for personal reasons for a period or periods not to exceed ten (10) working days in any calendar year.
- B. The County Judge/Executive may authorize special leave, with or without pay, for full-time employees for any period or periods to attend training at recognized universities or colleges and for other purposes that are deemed to be beneficial to county service.

**Section 3.50: Military Leave**

Any employee occupying a full-time established position within the county who is a member of the National Guard or any reserve component of the Armed Forces of the United States, or the Reserve Corps of the United States Public Health Service, shall be entitled to leave of absence for a period not exceeding twenty-one (21) calendar days in any one year to attend annual mandatory training. If additional time is needed, the employee may use vacation leave.

**Section 3.51: Jury Duty**

- A. When an employee is required to serve on a jury, they shall be compensated at the normal rate of pay while serving on jury duty. All employees serving on jury duty shall be absent from work only during the times required by the courts.
- B. Employees dismissed from jury duty must report to their respective places of work within the county.
- C. An employee summoned as a plaintiff or a defendant in a proceeding involving or arising from outside employment or personal business or affairs shall not be entitled to leave with pay, but may use accrued vacation or compensatory leave during the absence.

**Section 3.52: Voting Leave**

All full-time employees entitled to vote in any election shall be given up to two (2) hours off on Election Day to vote, with pay (primary and general) and a full day (up to 8 hours) for presidential elections if the employee is working during polling hours of 6 a.m. to 6 p.m. If the employee works a partial shift during polling hours, they will only be allowed voting leave for the time worked during those hours. Employees not scheduled to work on election days will not receive additional pay. The supervisor or the County Judge/Executive may specify the hours during which each employee may be allowed time off to vote.

**Section 3.53: Blood Donation Leave**

Employees who donate blood at any licensed blood center certified by the Food and Drug Administration during regularly-scheduled work hours are entitled to four (4) hours leave with pay. Blood donation must be made during the employee's scheduled work hours not including the employee's lunch hour. The employee must request leave for blood donation in advance and furnish a written statement from the blood mobile verifying that the employee gave blood. This will be retained in the employee's file with the payroll officer. Leave time must be taken at the time of donation unless circumstances require the employee to return to work. In this case, the unused portion of leave time will be credited as compensatory time. No compensatory time will be granted if the employee is not required to return to work.

Employees not accepted as blood donors must promptly return to their work station, but will not be charged for the time spent attempting to donate.

**Section 3.54 Inclement Weather Leave**

It is the policy of Franklin County Fiscal Court to provide services to the people of Franklin County year-round; however, there are situations that may arise due to the

needs of public safety where the Fiscal Court and/or judicial operations may need to be reduced or closed, including but not limited to weather, floods, natural disasters, etc. This policy shall cover those situations and address employee leave when Fiscal Court is closed or operations are curtailed because of hazards or other emergencies.

- A. In the event of adverse weather conditions where travel to and from work may jeopardize the safety of employees, county offices may be closed at the direction of the County Judge/Executive. Notification of closure shall be posted on our social media page, the county's webpage and publicized on television. Essential employees shall report to work as required at their regular rate of pay. Essential employees consist of Road Department, Fire Department and Maintenance Department employees.
- B. The County Judge/Executive may defer his authority for closure of the courthouse building to the Chief Circuit Judge. If the County Judge/Executive has deferred his authority to the Chief Circuit Judge and if the Chief Circuit Judge cancels courthouse operations, he may also close the courthouse.
- C. If county offices remain open but an employee cannot travel to and from work due to unsafe conditions, the employee shall use accrued leave time. Employees must notify their supervisor that they will be unable to make it to work within one hour of the time their shift begins. Essential employees shall contact and coordinate with their supervisor or department head.
- D. If an employee cannot report to work and notifies their supervisor or Department head of their intent to use accrued leave, but the County Judge/Executive closes the offices early, the employee must still use accrued time for the entire work day. Employees that report to work prior to the County Judge/Executive closing the offices will be paid for the entire work day as other paid leave.
- E. In the event the County Judge/Executive notifies that the offices will be closed the following day, non-essential employees will be paid for the entire day in which the offices are closed; provided however, that those employees who were scheduled to take off shall take their leave as previously requested.
- F. Employees of the Road Department are considered essential employees. Due to the Road Department's unique work and responsibilities, Road Department essential employees shall be paid a rate of one and one-half hours for all emergency work during non-working hours. An emergency shall include, but not be limited to, snow and ice, tornadoes, floods, and natural disasters. If the emergency work falls on a holiday, Road Department essential employees shall be paid double their normal rate of pay.

- G. Other employees may be deemed essential by the County Judge/Executive depending upon the circumstances.
- H. If the County Judge/Executive requires the Maintenance Department to report to work during an emergency, they will be paid according to Item F.

**Section 3.55: Health Insurance**

- A. The county pays for one single health insurance policy for each employee unless the premium exceeds the amount set by Fiscal Court. In the event an employee is out of work due to illness, regardless of cause, the county limits the payments of the health insurance premium for a period not to exceed twelve weeks.
- B. Benefits are as set forth in the carrier contract.
- C. Employees are covered under the Consolidated Omnibus Budget Act of 1986 (COBRA). In summary, COBRA provides that each qualified beneficiary who would lose coverage under the group health plan as a result of a qualifying event is entitled, under the plan, to elect, within the election period, continuation coverage under the plan at their expense for a limited time. This summary statement is not intended to supplant the Act. All rights are set forth in the Act and should be consulted for official decisions. The payroll administrator can facilitate this process.
- D. No other medical benefit is implied.

**Section 3.56: Retirement Benefits**

- A. Social Security: The County and its employees contribute amounts at the rate determined by Congress.
- B. The county participates in the non-hazardous County Employees Retirement System (CERS). CERS contribution regulations are established by the Kentucky Legislature. Fire Department employees, due to the dangerous nature of their work, are enrolled in the hazardous duty retirement system.

**Section 3.57: Unemployment Insurance**

The County pays the full amount for Unemployment Insurance.

**Section 3.58: Workers' Compensation**

The County pays the full amount for Workers' Compensation Insurance pursuant to KRS 342.

**Section 3.59: Expense Reimbursement**

- A. No employee or official of the county shall receive or be allowed any lump-sum expense allowance or contingent fund for personal or official expenses.
- B. Any employee or official of the county incurring expenses for approved travel shall be reimbursed as follows:
  - 1. Transportation – For all reasonable and necessary public transportation by economical means, the actual cost of fares, not to exceed costs for accommodations that are less than first-class if available. For the use of privately-owned vehicles, if advantageous to the County, mileage shall be reimbursed at the prevailing state rate in effect at the time reimbursement is sought.
  - 2. Lodging – Reimbursement shall be made on an actual expense basis for the cost of lodging with a receipt required on all expenses claimed. Reimbursement for lodging shall be made provided travel distance is greater than fifty (50) travel miles each way from 222 St. Clair Street, Frankfort, Kentucky.
  - 3. Meals – Reimbursement shall be made on an actual expense basis for the costs of meals with a receipt required at the following rate per day:
    - In State Rate  
Breakfast (6:30 a.m. – 10:30 a.m.) up to \$7.00  
Lunch (11:00 a.m. – 2:00 p.m.) up to \$11.00  
Dinner (5:00 p.m. – 11:30 p.m.) up to \$15.00
    - Out of State Rate  
Breakfast (6:30 a.m. – 10:30 a.m.) up to \$12.50  
Lunch (11:00 a.m. – 2:00 p.m.) up to \$15.00  
Dinner (5:00 p.m. – 11:30 p.m.) up to \$25.00
- C. Other – Tolls, parking, baggage and car rentals are allowed on an actual expense basis when reasonable and necessary and with receipt.
- D. The Travel and Expense Reimbursement Voucher must be completed, including required receipts and submitted to the County Judge/Executive within ten (10) working days after returning from travel.

- E. All travel vouchers and required receipts shall be reviewed by the Department Head and Judge/Executive or designee. All Vouchers shall be signed by the employee claiming reimbursement.
- F. Any travel reimbursement to high costs area shall be subject to prior supervisory approval.

**Section 3.60: Family and Medical Leave Act of 1993**

- A. The Family and Medical Leave Act of 1993 does apply to all public agencies, including state, local and federal employers. However, employee eligibility is as follows:
  - B. To be eligible for FMLA benefits, an employee must:
    - 1. Work for a covered employer,
    - 2. Have worked for the employer for a total of 12 months,
    - 3. Have worked at least 1,250 hours over the previous 12 months, and
    - 4. Work at a location in the United States or in any territory or possession of the United States where at least 50 employees are employed by the employer within 75 miles.
  - C. The County shall display an informational poster in the work place that informs employees of the provisions of the FMLA of 1993.
  - D. Franklin County has elected to utilize the Rolling 12 Month Period measured backward provision for FMLA. This procedure utilizes a 12-month period, during which each time an employee takes FMLA leave, the remaining leave entitled would be the balance of the 12 weeks which has not been used in the preceding 12 months.
  - F. FMLA leave shall run concurrently with worker's compensation leave.
  - G. Employees electing to utilize FMLA will use all accrued leave time (vacation, sick, and compensatory) during their absence. Once accrued leave has been exhausted, the remaining FMLA time will be leave without pay.

**Employee Relation Provisions**

**Section 3.61: Training and Career Development**

- A. Each new employee shall be given an orientation on the job of the nature, purposes and programs of the department and the administrative policies adopted by the county. Each department head shall maintain a copy of all personnel policies so that should questions arise appropriate policies are available for review.

- B. The County Judge/Executive and Department Heads shall provide in-service training for regular full-time employees.
- C. The department heads, with the County Judge/Executive's concurrence, may permit or direct the attendance of employees at meetings, conferences, workshops or seminars intended to improve the knowledge, abilities and skills of county employees.
- D. Training shall include the following areas at a minimum:
  - 1. Orientation of new employees,
  - 2. Position specific (the job position/title as appointed),
  - 3. Safety training department specific as well as general safety,
  - 4. Employee standards of conduct training, and
  - 5. Career developmental training designed to improve job knowledge and productivity

Note: Training may be accomplished on site or at organized training seminars provided by educational institutions, the Commonwealth of Kentucky, federal government or other means.

- E. Attendance and participation in training arranged or provided by the county is mandatory and a condition of employment. The county will make every effort to provide training at reasonable times and with the convenience of the employee in mind. Training expenses will be paid by the county, including travel, lodging, registration, and course materials. However, all course materials remain the property of the county to be maintained by the employee. Unless an emergency situation exists, if an employee registers for training and fails to attend or cancel the registration due to their inability to attend and the county is unable to get reimbursed for the registration fee(s), the employee will be responsible to reimburse the county for the registration fee(s). This will also include any hotel reservations that the county is responsible to pay.
- F. Each employee shall sign certification that they have been given an opportunity to review the county's personnel chapter of the administrative code and received orientation on their job.

### **Section 3.62: Performance Evaluations**

- A. The County Judge/Executive and Department Heads are responsible for evaluating the performance and merit of personnel under their respective jurisdictions. All department heads will be evaluated by the County Judge/Executive. Evaluations shall be conducted as follows: an interim review shall be completed no later than October 30 of each year and an Employee Evaluation will be completed beginning January 1, and completed no later than March 30 of each year; the evaluation shall include reference to the job description as a basis of performance. All Department Heads and

supervisors and the County Judge/Executive and Deputy Judge/Executive shall be afforded County sponsored training to provide guidance in the conduct and administration of the Evaluations. The County Judge/Executive shall provide the Fiscal Court with a report of the overall performance of each department. The report may be included with the annual budget proposal.

B. The following elements shall be considered in each evaluation:

1. Job Knowledge/Skills:

Employees shall be evaluated on:

- Ability to perform job tasks at or above standard.
- Demonstrated work product.

2. Quality of Work:

Employees shall be evaluated on:

- Accuracy, neatness and thoroughness.
- Employee performance of assigned tasks.
- Supervisors will also consider the complexity of tasks that the employee has been assigned during the rating period.
- The employee's willingness to accept and to carry out orders.
- The employee's ability to transition into leadership positions and any demonstrated leadership traits.

3. Improvement in Performance:

Employees shall be evaluated on:

- Work progress.
- Employee's ability to perform tasks without close supervision or assistance.
- Initiative to take charge of situations and accomplish assignments without guidance from the supervisor.
- If the employee is a supervisor, their ability to make decisions, delegate duties and assignments.
- How they give guidance to employees.
- Their contribution to the development of employees under their control will be evaluated. Should the employee be a "working supervisor" then both areas outlined above should be evaluated.

4. Productivity:

Employees shall be evaluated on:

- The amount, accuracy, and completeness of all work assigned to an employee.
- The employee's ability to provide services to the community in a proficient and professional manner.

5. Employee Conduct:

Employees shall be evaluated on:

- Employee's responsibility and interpersonal skills.
- Knowledge and adherence to written or oral rules and regulations.
- Employee's ability to work well with others.

After the evaluation is completed; the employee shall be given a copy of the evaluation within five (5) working days. Each employee shall have five (5) working days to review the evaluation. If an employee is not satisfied with their evaluation they may request a meeting with the County Judge/Executive or the Judge's designee within five (5) days of receipt of the evaluation to discuss the contents. Each employee may submit a written rebuttal to the evaluation for consideration and inclusion in the employee's personnel file.

Employee evaluation shall be placed in the personnel file of that employee after having been signed by both the employee and their evaluator. The Deputy County Judge/Executive shall review all evaluations for correctness and completeness prior to the evaluations placement in the personnel files.

### **Section 3.63: Grievance Procedure**

- A. Any employee who believes that they have been aggrieved by any act or decision of the county may file a complaint with their department head within ten (10) working days of the incident in accordance with the following procedure:
1. An aggrieved person shall submit a written statement on the Franklin County Grievance Form to the department head setting forth the nature of the grievance and facts upon which the allegation is based. The written statement must be submitted within ten (10) working days of the alleged grievance.
  2. The department head shall contact the complainant no later than ten (10) working days after receiving the written statement to establish meeting with the objective of resolving the matter informally. However, in no case shall the informal meeting be conducted sooner than five (5) working days nor more than thirty (30) calendar days after receiving the written statement. There shall be prepared written documentation of the discussions at the informal meeting, which shall be preserved in the file of the employee.
  3. Within five (5) working days of the informal meeting, if no decision has been made by the department head or the decision of the department head does not satisfy the complainant, they may request a meeting with the County Judge/Executive or a designee by submitting a written request.
  4. In this discussion of the grievance, the complainant may appear with counsel and participate in the discussion. The County Judge/Executive shall require the department head to participate in the discussion of the

grievance, when it is brought before the County Judge/Executive. The County Judge/Executive shall issue a written decision on the matter within ten (10) working days. Written documentation of the discussion at the meeting shall be preserved in the file of the employee.

5. If the decision of the County Judge/Executive does not satisfy the complainant, they may request a hearing before the Executive Committee within five (5) working days of the County Judge/Executive's decision. The complainant may appear with counsel and participate in the discussion. The Executive Committee shall require the department head to participate in the discussion of the grievance.

B. The decision of the Executive Committee shall be final. All complaints received by the department head and responses from the department head, the County Judge/Executive, and the Executive Committee shall be kept by the county in the complainant's personnel file.

### **Section 3.64: Classification Plan**

#### **PURPOSE**

Position classification refers to the organizing of positions into groups of classes on the basis of their duties and qualification requirements. Position classification will facilitate proper employee compensation, selection, placement, promotion and training.

The basic purpose of a personnel management system is to assist in hiring and retaining well-qualified employees. This means the development of fair and equitable recruitment, selection, promotion, pay and fringe benefit programs. Employees' salaries will be based on the value of the services they render. All parts of an effective personnel management system work together toward these goals.

#### **ADMINISTRATION OF THE PLAN**

A classification plan is not intended to fix positions permanently into classes. Instead, the plan must be reviewed continually to adapt to changing conditions. It is recommended that plan administration include responsibility for reviewing existing or new positions for purposes of classification, reclassification, and pay level determinations. However, all changes are subject to the approval of the Fiscal Court.

The county should normally conduct a comprehensive periodic review of the classification plan. Between comprehensive reviews, county officials responsible for personnel should conduct work audits of various positions to assure that the plan is current and corresponds with existing conditions.

Three specific types of changes in the plan itself are possible:

1. Abolition of a class:

A class shall be abolished when all positions in a class are abolished or when positions are significantly changed in the nature of work, duties, and responsibilities so that the class becomes inappropriate, inaccurate, or irrelevant.

2. Adjustment or revision of a class:

A class specification shall be adjusted or revised to meet changing circumstances and needs. Minor rewriting of class specifications will suffice in most cases.

3. The creation of a new class:

A new class shall be created when new work situations arise that are not covered by the established class specifications. New classes must be justified, and reflect substantially permanent rather than temporary situations. All proposed changes shall be carefully scrutinized to maintain service morale, validity of class concepts, and integrity of class relationships established in the classification and pay plans.

## **POSITION CLASSIFICATION PLAN**

### Definitions

Position classification is a system of identifying and describing the different kinds of work in an organization and grouping together under common job titles those positions which are basically similar with respect to: (1) the nature of work, (2) the level of difficulty, (3) degree of responsibility, and (4) training and experience requirements. Position classification groups similar positions into the same class so they may receive common treatment in employment practices.

A position refers to a group of currently assigned duties and responsibilities requiring the full or part-time employment of one person.

An employee is an individual legally employed to perform the duties and carry out the responsibilities of a position. For classification purposes, it is the duties and responsibilities of the position, not the employee, that must be considered.

A class is a position or group of positions that have similar duties and responsibilities, required qualifications, and can be equitably compensated by the same wage range.

A class series consists of two or more classes which are substantially similar as to the types of work involved and differ only in rank as determined by the importance of the duties, degree of responsibility, and amount of training and experience required. Titles usually are differentiated by I, II, etc.

A class specification is the official written description of a class and consists of a class title, a general statement of the duties and responsibilities and level of work, essential functions to be performed, required skills and abilities, acceptable experience and training, and necessary special requirements, if any.

A classification plan is the official or approved system of grouping positions into appropriate classes and includes an index to the class specification, a list allocating each existing position to proposed or existing classes, and rules for the administration of the plan.

#### Uses of Position Classification

Position classification is the foundation upon which are constructed all major phases of a personnel program. Each class specification contains an analysis of the nature and degree of difficulty and responsibility involved in the work of the class and provides a statement of the qualifications that are required for successfully performing its duties and responsibilities.

For the Administration, the position classification plan:

1. Forms the basis of an objective recruitment program;
2. May be used by each department head in perfecting or revising organizational structure, clarifying lines of authority, fixing responsibility, and weighing personnel requirements;
3. Provides the background information for setting salary and wage plans to assure equal pay for equal work;
4. Serves as the basis for establishment of work-related written, oral, performance or other examinations; employee efficiency rating programs; employee training and counseling; regulations governing original employment, promotion, transfer, demotion, layoff, and discharge; safety programs; and research studies;
5. Provides uniform job terminology for payroll activities and for the use of all persons concerned with personnel activities;
6. Facilitates the processes of budgeting, and the most advantageous placement and use of personnel;
7. Keeps management informed of personnel assignments at all times and helps locate duplication of functions, faulty organizations, and bottlenecks in the flow of work; assists in planning for increases or decreases in work loads; and generally, provides information necessary for practically all problems involving the management of personnel.

For the Employee, a well-developed position classification plan:

1. Gives the employee a better concept of the activities of their own department, of their own work assignment, and of the County services as a whole;

2. Shows them avenues of advancement, which may serve as an incentive to improve their status through more intensive attention to duties and by securing additional training or education;
3. Allows them to see the position and its duties and responsibilities rather than the person occupying the position. An objective look at their own position and other positions may answer many questions that have affected an employee's morale. The position classification plan shows the employee that classification and pay are based on the level of difficulty of assigned duties and responsibilities, not on how well the employee is performing their duties when the supervisor evaluates for purposes of salary increments or promotion;
4. Assures the employee that their position has been reviewed objectively in relation to other positions and that political and other unrelated considerations have not been used as the basis of its classification and pay.

### **Section 3.65: Compensation Plan**

#### **PURPOSE**

The objective of the pay plan is to provide equal pay for equal work and to provide a pay range for each class or position in the county that will allow it to retain employees and to compete in the job market with other private and public employers in the area.

#### **RELATIONSHIP TO THE CLASSIFICATION PLAN**

In order to assure equal pay for equal work, it is necessary to know what the duties and responsibilities of each position are and what training, experience, and skills are needed to carry out these duties. This requires a large body of job knowledge, which can best be obtained from a classification plan. The classification plan does not set the pay rate. It merely provides that all those positions in the same class shall have the same pay range. The pay plan provides for ranges of pay to which positions are assigned. The integrity of the classification plan may be maintained in the pay plan if the relative levels of worth among the classes are maintained in allocating classes to the salary schedule.

#### **Factors in Determining Pay Allocations**

Many factors go into determining the relative worth of a group of positions. These include:

1. The required skills, knowledge and ability;
2. The kind and level of work required;
3. The nature and extent of supervision given and received;
4. Responsibility for public contracts;
5. Special working conditions;
6. Training and experience requirements; and

7. Execution of orders and policies.

Application of Pay Plan

- A. Ranges of pay are intended to be base pay for a standard workweek in various classes of work as defined by county policy.
- B. Pay rates are not intended to include special assignment differentials, reimbursement for travel expenses, or other authorized expenses incurred in connection with official business.
- C. The minimum rate of each class should be the normal entering rates. Departures from this should be made only if necessary to fill a vacancy despite vigorous recruitment efforts or as recognition of exceptional qualifications.
- D. Progression through the pay range will depend on funding availability. However, under normal circumstances, the employee may receive a pay increase when:
  1. An across-the-board or percentage increase is budgeted by the Franklin County Fiscal Court;
  2. Merit increases are awarded due to outstanding performance; or
  3. A higher degree of certification in the class of employment is attained.
- E. A promotion may require an adjustment in pay to reach the minimum pay rate of the new classification. Further progression through the pay range is governed by the same criteria as set forth in D above, as well as elsewhere in these policies and procedures. If the employee has already reached the minimum pay rate of the new classification plan, Fiscal Court shall determine an appropriate increase in compensation.
- F. The pay plan set forth on the following pages uses the federal minimum wage as the base point for all classes. The compensation plan schedule will increase annually by the CPI authorized by the Fiscal Court.

**Section 3.66: Classification of Employees**

There shall be two classifications of employees as follows:

- A. Exempt/Administrative personnel:  
Please refer to the U.S. Department of Labor, Fair Labor Standards Act for definition. To qualify for the exempt/administrative employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary or fee basis (as defined in the regulations) at a rate not less than \$455 per week;
  - The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
  - The employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.
1. The Fiscal Court hereby establishes two (2) pay grades for exempt/administrative employees. The base annual compensation for each grade shall be uniform for all employees, except that the base annual compensation of existing exempt/administrative employees whose base annual compensation for the pay grade assigned to their position shall remain at the greater rate unless changed by written request of the County Judge/Executive and approved by the Fiscal Court. The County Judge/Executive shall establish in the year that county officials are elected the base annual salary for each exempt/administrative pay grade. Employees re-appointed shall keep their current salaries if it is greater than the newly established base salary. The base salary schedule established shall be increased by the percentage rise in the cost of living index on an annual basis or when merit raises are awarded for exceptional performance.
  2. The following is a general description and pay grades of the positions within county government:
    - A. Grade 1-A:** Exempt/Administrative personnel involved in developing and executing the orders and policies of the Fiscal Court and the County Judge/Executive. Examples would be Assistant Director positions classified as exempt that have supervisory responsibilities and policy enforcement responsibilities.
    - B. Grade 2-A:** Department Heads and the Deputy Judge/Executive.

B. Non-Exempt/Hourly personnel:

Non-Exempt/Hourly personnel shall be those full-time employees not classified as administrative. Non-Exempt/Hourly employees shall be compensated with an hourly rate of pay for each hour of work performed or paid leave to which they are entitled under this personnel policy. The employment of persons holding non-exempt/ hourly positions created by the Fiscal Court under the provisions of this administrative code shall be continuous into the new term of the court.

1. The Fiscal Court hereby establishes five pay grades for hourly employees. The base hourly compensation for each grade shall be uniform for all employees, except that the base hourly compensation of existing hourly

employees whose base rate of hourly compensation is greater shall remain at the greater rate, unless changed by court order. The Fiscal Court shall establish by court order the base pay for each of the five grades during the month of June of each year. These rates can be changed at any time by court order. Yearly increments shall be added to the base pay along with any recommended merit raises.

2. The following is a general description of the skill level expected of each grade. These job descriptions explain the primary responsibilities of the positions. The tasks required to be performed are not limited to those mentioned herein. County employees may be required to perform any task that may be required in the efficient operation of county government, provided the employee is qualified to perform the duties.
  - A. **Grade 1-H:** Consists of positions where the employee is expected to possess no special skills other than those generally held by members of our society. Examples would be a cook, janitor and drivers of personal type vehicles, or office positions such as receptionist where no office skills are required.
  - B. **Grade 2-H:** Positions which require easily acquired skills. Examples would be animal control, secretarial positions that require typing or similar skills.
  - C. **Grade 3-H:** Positions which require specific skills, acquired through specialized training or extensive experience operating complicated equipment. Examples would be mechanics, road equipment operators, employees that require bookkeeping type skills.
  - D. **Grade 4-H:** Positions which require specialized skills such as computer operators with the ability to do moderate programming tasks, road foreman, building or electrical inspectors.
  - E. **Grade 4-H (1):** Positions which require extensive specialized skills, education and/or professional certifications.
  - F. **Grade 5-H:** Positions which require the highest level of skills necessary to carry on the function of county government. Examples would be Assistant Director positions classified as non-exempt that have supervisory responsibilities and policy enforcement responsibilities.
3. The Fiscal Court/County Judge Executive shall establish every position to be filled by an hourly employee and shall determine the grade of that position.
4. The County Judge/Executive can abolish an hourly position with Fiscal Court authorization. The employee holding the abolished position may be either terminated or reassigned to similar position in another department.
5. The County Judge/Executive may transfer hourly employees when a need

exists and Fiscal Court approves the transfer.

**Section 3.67: Use of a County Vehicle:**

- A. Every employee driving a county vehicle may be subject to the Franklin County Fiscal Court Drug and Alcohol Policy. (see Franklin County Fiscal Court Drug and Alcohol-Free-Workplace-Substance Abuse Policy).
- B. Tobacco use is not permitted in a county vehicle.
- C. Franklin County Fiscal Court (the employer) may provide a vehicle for use in the employer's business. Personal use of such vehicle is prohibited, except minimal use and commuting between a personal residence and work location.
- D. The value of employees' personal usage of a county vehicle must be reported as income on Form W-2 in accordance with IRS regulations.

## CHAPTER 4

### PURCHASES AND CONTRACTS

#### **Section 4.1: Authorization of County Contracts**

Every contract of Franklin County, change or amendment thereto, shall be authorized or approved by the Franklin County Fiscal Court before it is executed by the County Judge/Executive, and every contract, except small purchases, shall be prior approved by the County Attorney as to form and legality.

#### **Section 4.2: Selection of Vendors and Contractors (Procedures for Sealed Bidding)**

- A. The Franklin County Judge/Executive shall place an advertisement in the local newspaper of the largest circulation in the County and on the County website at least once, but not less than seven (7) nor more than twenty-one (21) days before a bid opening. The advertisement will include the time and place the bid will be opened, and the time and place where the specifications may be obtained. If the durability of the product, the qualities of the service or other factors are to be considered in the bid selection, such factors shall be stated in the advertisement.
- B. The County Judge/Executive shall open all bids publicly at the time and place stated in the advertisement and shall select the lowest and best bid by a qualified bidder. If the lowest bid is not selected, the reasons for the selection shall be stated.
- C. The County, at its discretion, and unless otherwise prohibited by law, may provide a 5% price advantage to Local Qualified Vendors.
- D. Local Qualified Vendors are those vendors who: have as their principle place of business located in Franklin County, Kentucky, and who are licensed and in good standing with all local, state and federal licensing requirements. Such qualified vendors submitting bids which are 5% or less higher than other competing bids may be considered low bids. The Court shall in the required advertisement state local qualified bidder criteria.
- E. The Franklin County Judge/Executive shall submit the lowest and best bid selected to the Fiscal Court for approval.
- F. The County Judge/Executive shall sign the contract on behalf of the County upon approval of the Fiscal Court.

**Section 4.3: Procedures for Determinations of Qualifications of Bidders**

- A. Each bidder shall furnish in writing information pertaining to all contracts completed in the past two years and a listing of all the financial institutions used.
- B. In the event the information is conflicting or incomplete, the County Judge/Executive shall make further inquiries of the bidder.
- C. The contractors who have demonstrated, by past performance, the ability to perform satisfactorily in accordance with contracts on a timely basis and have shown a sound financial structure shall all be considered qualified.
- D. The Franklin County Judge/Executive may make a written determination as to the extent or responsibility of each bidder and shall maintain a list of those who qualify as responsible contractors for particular types of supplies, services and construction items.
- E. A new business may be exempt from the qualification requirements where circumstances warrant.

**Section 4.4: Procedures Prerequisite to Use of Negotiated Process**

- A. The negotiated process may be used instead of advertisement for bids if the amount exceeds \$20,000 in the following circumstances:
  - 1. An emergency exists
  - 2. All bids received exceed the amount budgeted.
- B. Before an emergency is declared, the County Judge/Executive shall determine whether or not a delay in obtaining bids will result in danger to health, safety or property.
- C. The County Judge/Executive shall certify the existence of any emergency and file a copy of such certificate with the chief financial officer of the County.

**Section 4.5: Procedures for Negotiated Process**

- A. When the prerequisites have been met for use of the negotiated process, the County Judge/Executive shall proceed to negotiate with one or more suppliers in order to obtain the most advantageous terms for the County.
- B. Professional services shall be negotiated with such persons as are properly licensed to perform such services.
- C. Where more than one bid is received, and all are in excess of the amount available, the lowest three (3) bidders shall be notified that the County desires

to negotiate a contract for a lesser amount based on revised quantities or specifications and fix a time limit for submission of proposals.

- D. The County Judge/Executive examines the proposals received and shall negotiate with the suppliers for the terms most advantageous to the County.
- E. The best-negotiated proposal shall be submitted to the Fiscal Court for approval and award.

The County Judge/Executive shall prepare a record of all negotiated contracts, showing the items and quantities acquired, name of suppliers, cost and date of contract.

**Section 4.6: Small Purchase Procedures**

- A. With prior approval of the County Judge/Executive or designee, authorized persons may purchase for their respective departments any supplies, services, etc., at a cost of five thousand dollars (\$5,000) or less. However, a purchase order or vendor's billing for the purchase shall be submitted to the County Judge/Executive for review.
- B. Supplies, services or construction normally supplied, as a unit shall not be artificially divided for the sole purpose of using small purchase procedures.
- C. Before purchasing any supplies, services, at a cost exceeding five thousand dollars (\$5,000), but less than the amount specified by state law for bid purposes (\$20,000 as of 12/07), authorized persons shall submit to the County Judge/Executive a purchase order containing specifications, quantities desired, and price quotes (three when possible) for the desired supplies or services. The County Judge/Executive shall determine the need for the item(s) requested, the approximate cost, and whether or not the expenditure is provided for in the budget. The County Judge/Executive shall then select the price most advantageous to the County and purchase accordingly. If two or more local suppliers offer the same product at the same price, the County Judge/Executive may purchase or authorize a purchase from suppliers on a rotating basis.
- D. A copy of the billing from the vendor along with a copy of the signed purchase order shall be submitted to the County Treasurer at the time of approval.
- E. All purchases shall be debited from the budget appropriation for the department making or requesting such purchase.

- F. No purchase shall be made for an amount that exceeds the sum budgeted and appropriated by the Franklin County Fiscal Court for such purchases.

**Section 4.7: Storage and Inventory Control**

- A. All County property shall have affixed to it a property control number tag. All Department Heads will ensure that they maintain in their files an updated inventory of all property in their possession.
- B. All County owned vehicles shall have appropriate signage indicating the vehicles are County owned and are to be used for official business as permitted.
- C. Once a year (preferably during the budget cycle) all Franklin County's property will be inventoried by each department or agency. These updated inventories will be submitted to the County Judge/Executive's office for reconciliation and filing in the County's master inventory book.
- D. All County inventories shall contain an item inventory number, an item description, date of purchase if known, purchase amount if known, and office/department/agency where property is assigned for use.

**Section 4.8: Procedures for Disposition of Surplus Property**

When property becomes surplus due to procurement of new items the following steps will be taken:

- A. The item will be identified on the inventory as a surplus item.
- B. All offices and agencies will be contacted and informed that a surplus item exists. If appropriate, items can be transferred within the County as long as an accurate audit trail exists and appropriate change documents are prepared transferring the item from one agency to another.
- C. Items that are not transferred will be transported to a location to be determined by the County Judge/Executive and stored pending disposition.
- D. Surplus property shall be disposed of pursuant to KRS 67.0802. In the event no sales can be had, after offer, the Fiscal Court may declare the property in question scrap and dispose of accordingly.

## CHAPTER 5

### DELIVERY OF COUNTY SERVICES

#### County Road Department

##### **Section 5.1: Establishment of County Road Department**

- A. There is hereby created and established a Franklin County Road Department consisting of a County Road Supervisor and such other employees of said department as may from time-to-time be provided in the job classifications and approved by the Franklin County Fiscal Court.
- B. The Franklin County Judge/Executive with the consent of the Fiscal Court shall appoint the County Road Supervisor.
- C. The Franklin County Fiscal Court shall set the number and compensation of all employees of the road department in Chapter 3, Personnel Administration, Part II, and Compensation Plan of this Code.
- D. The Franklin County Judge/Executive in accordance with the provisions of Chapter 3, Personnel Administration, therefrom, shall make all appointments to the road department and removals.

##### **Section 5.2: Duties of the Road Supervisor**

- A. The duties of the Franklin County Road Supervisor shall be set forth in the Job Classification located in Chapter 3, Personnel Administration, Part II, Classification and Compensation Plan.
- B. The County Road Supervisor shall be responsible for the performance of the road department and its functions, and all persons who are employees of the road department shall be subject to the supervision and direction of the road supervisor.

##### **Section 5.3: County Road Inventory/Condition**

- A. The Franklin County Judge/Executive shall maintain a map that clearly identifies all the county-maintained roads.
- B. The County Road Supervisor shall contact all area utilities (city and county water services) prior to digging, surfacing, or resurfacing any county road.

**Section 5.4: Specifications for County Roads**

- A. The Franklin County Fiscal Court in accordance with KRS 179.470 may accept roads into the County Road system.
  
- B. Prior to Fiscal Court consideration of a road for acceptance into the County Road system, the County Road Supervisor shall certify that the following specifications have been met or exceeded:
  - 1. Surveyed legal description of the proposed road prepared by a licensed Kentucky registered surveyor;
  - 2. A copy of all property owner's deeds and property of good, marketable and fee simple title in the property of the owners proposing to deed the road right of way to the County;
  - 3. Certification by the property owners that fences, buildings, gates and cattle gates have been removed from the proposed County road right of way;
  - 4. Acceptable road specifications shall be recommended by the road supervisor and approved by the Franklin County Fiscal Court regarding, but not limited to, right of way width, pavement width, pavement specifications and grade and drain;
  - 5. The road shall be properly ditched and tiled with cross drain pipes of adequate size and road banks stabilized in grass or other suitable ground cover;
  - 6. Once a road has been accepted into the county road system the county shall be obligated to maintain the road. This maintenance will only be performed within the county's right of way or where easements have been granted by property owners.
  - 7. The adoption of minimum standards of construction for all roads which may be included within the Franklin County Road System and accepted for any future maintenance by Franklin County is contained in Ordinance No. 9, 2006 Series. Any future amendments shall be considered ratified and incorporated as part of this Code.

**Section 5.5: Other County Services**

**County Fire Department**

The County Fire Department is responsible for fire fighting and emergency response in the unincorporated areas of Franklin County. The Fire Department also supports the Frankfort Fire Department when the situation dictates.

**County Planning, Zoning and Code Enforcement Office**

This office provides building and electrical inspections for all new construction within Franklin County. It utilizes the Kentucky Building Code, the CABO One-and

Two – Family Dwelling Code and the National Electric Code. The Office also provides planning and zoning services for the residents of Franklin County, as well as performing administration of the Franklin County Zoning Ordinance. (Ordinance #7, 2001 Series, Amending Ordinance #2, 1993 Series — Electrical Fees) (Ordinance #6, 2001 Series, Amending Ordinance Adopted June 23, 1998), which may be amended as required by Kentucky law then in effect and to which reference is made for particular amendments.

### **Occupational Tax Office**

This office collects and maintains occupational license fees, maintains a listing of all businesses conducting business within the County, receives all occupational taxes and posts it to appropriate accounts and collects all delinquent occupational license fees. (Ordinance No. 14, 2007 Series, as amended, and as may be amended by any future amendments, which are hereby ratified and for which reference is made for additional requirements

### **Lakeview Park**

Franklin County's Lakeview Park was established in July 1991. It is 135 acres of rolling landscaped grassland on Georgetown Road, Hwy. 460. The main attraction of the Park is the Carter House, a two-story brick colonial style home named for the former owners of the Carter family farm. The Park also includes pavilions, softball complexes, soccer fields, horse show rings, a walking/running path, playground and a nine-hole, par 3 family golf complex and driving range.

The Franklin County Lakeview Park Rental Policy is adopted on October 30, 1997, in Fiscal Court Order Book 17, page 326, and as may be amended by any future amendments, which are hereby ratified and for which reference is made for additional requirements.

## CHAPTER 6

### OPERATION OF FRANKLIN COUNTY FISCAL COURT

#### **Section 6.1: Procedures for Meetings of Fiscal Court**

- A. By January 2 of each year, the County Judge/Executive shall, by executive order, fix the dates for the commencement of the regular terms of the Fiscal Court. Meetings may be held every three weeks on alternate days of Friday morning with work session at 9:00 a.m. to be immediately followed by Court, and on Thursday evening with work session at 5:00 p.m. to be immediately followed by Court.

With at least 24-hour advance notice, on an as needed basis, the Fiscal Court may schedule special meetings at different days and times other than those outlined above.

- B. Fiscal Court meetings in which any public business is discussed or any action taken shall be open to the public.
- C. The County Judge/Executive may call a special meeting of the Fiscal Court for the purpose of transacting any business over which the Fiscal Court has jurisdiction.
- D. Every four years following the swearing in of the new administration of the newly-elected county officials, the Franklin County Fiscal Court will have its first meeting as soon as practical to conduct the business of the county.

#### **Section 6.2: Presiding Officer**

The County Judge/Executive shall be the presiding officer of the Fiscal Court at all regular and special meetings.

#### **Section 6.3: Quorum**

Not less than a majority of the members of the Fiscal Court shall constitute a quorum for the transaction of business. No proposition shall be adopted except with the concurrence of at least a majority of the members present.

#### **Section 6.4: Order of Business**

- A. The County Judge/Executive shall have prepared an agenda for each Fiscal Court meeting. The Fiscal Court is subject to the provisions of the open meeting law KRS 61.805 - 61.850. The order of the call may be modified.

1. Call to Order and Roll Call of members to establish a quorum

2. County Judge/Executive Report
3. Presentations to the Court
4. Approval of Minutes
5. First or Second Readings of Ordinances before the Court
6. Resolutions before the Court
7. Appointments, if any
8. Financial issues before the Court
9. Departmental Reports, if any
10. Other Business
11. Closed Sessions if required
12. Adjournment

- B. The County Judge/Executive shall prepare an information package for all Court members containing all items on the agenda.
- C. The County Judge/Executive shall present an itemized list of all valid bills requiring Fiscal Court approval. Such list shall accompany the agenda prepared and delivered by the County Judge/Executive pursuant to section A above.
- D. Except for standing order recurring expenses, no bills shall be approved for payment unless presented for the meeting.
- E. The Fiscal Court may approve payment of the list of valid bills as a whole unless there is an objection voiced to any specific item.

**Section 6.5: Fiscal Court Records and Minutes**

- A. The Fiscal Court Clerk or designee shall attend all meetings of the Franklin County Fiscal Court.
- B. The Franklin County Fiscal Court Clerk shall be responsible for maintenance and management of all county records. The Fiscal Court Clerk shall keep an index of all records and make such index and records available for public inspection in accordance with KRS 61.870 to 61.884.

**Section 6.6: Ordinances, Orders and Resolutions**

- A. An ordinance means a general act of the Franklin County Fiscal Court enforceable by law or an appropriation of money; all other acts are motions, orders or resolutions.
- B. All ordinances shall be introduced in writing; relate one subject only; and contain a title, which expresses the subject matter concisely.

- C. There shall be inserted between the title and the body of each Franklin County ordinance an enacting clause written in the following manner; “Be It Ordained by the Fiscal Court, the County of Franklin, Commonwealth of Kentucky.”
- D. County Ordinances shall have a first reading followed by a second reading and adoption by the Fiscal Court.
- E. County Ordinances shall be amended by ordinance and only by setting out in full each amended Section.
- F. No County Ordinance shall be passed until it has been published pursuant to KRS Chapter 424. Prior to passage, ordinances may be published in summary. Publication shall include the time, date and place within the County where a copy of the full text of the proposed ordinance is available for public inspection. In the event consideration for passage is continued from the initial reading to a subsequent date, no further publication is necessary provided that at each meeting the time, date and place of the next meeting is announced.
- G. All County ordinances and amendments shall be published and shall be placed on the County’s website after passage and may be published in full or in summary.

## CHAPTER 7

### OTHER COUNTY POLICIES

#### Section 7.1: Equal Opportunity

A. General Policy:

It has been, and will continue to be, the policy of Franklin County, Kentucky (hereinafter referred to as “The County”), to recognize and abide by the provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and Executive Order 11246 and amendments thereof.

B. Equal Opportunity Officer:

A member of the staff of the County shall be appointed by the County Judge/Executive to serve the functions of the Equal Opportunity Officer.

The responsibilities of the Officer shall include, but not be limited to, the following:

1. Consult with and advise on matters pertaining to the administration of an equal opportunity program for the County staff.
2. As assigned, establish and maintain contact as the County’s liaison with the community generally and minority groups in particular.
3. As assigned, work with schools, minority group agencies and organizations to encourage and assist with implementing equal opportunity in employment, training, housing, and business development as pertains to the programs carried out by the County.
4. Obtain information about human rights programs of Federal, State, and local agencies as well as special interest groups promoting equal opportunity for all the citizens of the County.
5. Prepare reports, as needed, on equal opportunity practices and programs.
6. Maintain liaison and continuing working relationship with State Officials on Equal Opportunity.
7. Review and monitor all contractual agreements with the County to assure achievement of equal employment opportunity, open occupancy, and public accommodation objectives.
8. Assist the County and Contractors in preparing effective program criteria; compile public information for the County to disseminate; implement equal opportunity policies and statements; and prepare related correspondence including recommendations on equal opportunity practices.
9. Investigate formal complaints of alleged discrimination by parties to agreements and recommend procedures to ensure compliance to all County activities for the promotion of equal opportunity objectives.

- C. County Staff:  
The County has taken, and will continue to take, steps to assure nondiscrimination in its employment practices, including hiring, compensation, working conditions, promotions, demotions, or terminations of its employees. Overt efforts will continue to be made to provide opportunities for equal employment and equal compensation within the County staff.

**Section 7.2: Franklin County Investment Policy**

The Fiscal Court of Franklin County hereby adopts the following investment policy and strategy with respect to the investment of all funds, as required by KRS 66.480.

The County authorizes the following to invest the County's funds, pursuant to the terms and conditions of Resolution #20, (1994 Series):

- A. Funds not needed for current expenses or obligations of the County may be invested in any of the following:
1. Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, provided that delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian. The investments may be accomplished through repurchase agreements reached with sources including, but not limited to, national or state banks chartered in Kentucky.
  2. Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States Government agency, including but not limited to:
    - a. United States Treasury
    - b. Export – Import Bank of the United States
    - c. Farmers Home Administration
    - d. Government National Mortgage Corporation; and
    - e. Merchant Marine bonds;
  3. Obligations of any corporation of the United States government, including but not limited to:
    - a. Federal Home Loan Mortgage Corporation;
    - b. Federal Farm Credit Banks;
    - c. Bank for Cooperatives;
    - d. Federal Intermediate Credit Banks;
    - e. Federal Land Banks;
    - f. Federal Home Loan Banks;
    - g. Federal National Mortgage Association;
    - h. Tennessee Valley Authority

4. Certificates of deposit issued by or other interest-bearing accounts of any bank or loan institution which are insured by the Federal Deposit Insurance Corporation or similar entity permitted by KRS 451.240 (4).
5. Uncollateralized certificates of deposit issued by any bank or savings and loan institution rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;
6. Bankers' acceptance for banks rated in one (1) of the three (3) highest categories by a nationally recognized rating agency;
7. Commercial paper rated in the highest category by a nationally recognized rating agency.
8. Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities; and
9. Securities issued by a state or local government, or any instrumentality or agency thereof, in the United States, and one (1) of the three (3) highest categories by a nationally recognized rating agency.

B. The investment authority outlined above shall be subject to the following limitations:

1. The amount of money invested at any time by the County in one (1) or more of the categories outlined above shall not exceed twenty (20) percent of the total amount of money invested by the County; and
2. The County shall not purchase any investment on a margin basis or through the use of any similar leveraging technique.
3. The County shall not purchase any investment where the principal funds are at risk or loss.

C. The County hereby adopts the following standards for written agreements pursuant to which investments are made:

1. The Fiscal Court should determine who is authorized to sign the written agreement, whether that agreement needs to be signed by more than one party, whether the agreement as whole will need to be approved by the Fiscal Court.
2. The County should include any other requirements that it may want to make as a standard for the written agreement.

D. The County hereby adopts the following procedures for monitoring controls, deposit or retention of investments and collateral:

1. Working with the County's investment advisor, the County should make such determinations as to how often a report will be received on its deposits.
2. Where the deposits or investments will be physically located.
3. Whether a third-party custodian is desired or required for the collateral;

4. Whether the County actually wants to take possession and control of the investment security or if that will be left with the County's bank/trustee.
  5. The County should include any additional controls recommended by the investment advisor or the County auditor.
- E. The County hereby adopts the following standards for diversification investments, including diversification with respect to the types of investments and firm with which the County transacts business:
- The County will determine how much of the investment should be in any one type of investment and how all transactions are to be executed.
- F. The County shall use the following standards for the qualification of investment agents authorized to transact business with the County:
- The Fiscal Court should determine what criteria to use in selecting an investment advisor, such as licensing to do business in Kentucky, the investment advisor's experience, the capitalization of the investment advisory, or any other prudent factors the Fiscal Court deems appropriate in its determination of whether a particular firm is capable and qualified to transact business with the County.
- G. All the County's investment reports will be prepared and submitted on a quarterly basis by the County Treasurer.

**Section 7.3: Department of Planning and Zoning and Building Code Enforcement Inspection Policies**

Purpose

In order to ensure that all persons are treated equally and fairly, the following policies have been adopted to outline how, when and in what manner electrical and building construction projects will be conducted.

Electrical Inspections

1. All electrical installations require an electrical permit to be issued.
2. Only electrical contractors currently licensed by Franklin County, with current Workers Compensation and Liability Insurance (see homeowner exception) may file for an electrical permit.
3. If a building permit is required for the construction, no electrical inspection can be scheduled or completed until such time as the building permit is issued.
4. Inspections will be scheduled on a first-come, first-served basis.
5. With the exception of commercial and industrial projects, which are billed to electrical contractors after completion of the project, no inspection will be

performed until the required inspection fee has been paid. See Fee Schedules for applicable fees.

6. If an electrical inspection is disapproved, the electrician or property owners, performing their own work, will be required to pay the applicable reinspection fee. See Fee Schedules for applicable fee.
7. No project will be scheduled for a reinspection, if it was previously denied, until the reinspection fee has been paid.
8. On single-family and duplex construction, no Temporary for Service Only Inspections will be performed. At the time the Final Inspection is completed and approved, the Certificate of Compliance will be sent to the applicable utility company for hook-up.
9. If work, which is required to be inspected, is covered prior to the inspection, the Planning & Building Codes office will fail the inspection and will require that all work be removed so that the inspection can be made. In this event, a reinspection fee will be required to be paid prior to the Planning & Building Codes Office scheduling the reinspection.
10. All electrical inspections will be performed using the National Electrical Code, edition adopted by the Department of Housing, Buildings and Construction.
11. Homeowner Exception: Homeowners performing their own electrical work on the residence, in which they live, may perform their own electrical work and may apply for an electrical permit from the Office of Planning, Zoning & Building Code Enforcement. The homeowner is also required to file an affidavit certifying that they are performing their own work.

#### Building Inspections

1. No building inspection will be scheduled until such time as the building permit has been issued and obtained by the contractor or property owner.
2. All inspections will be scheduled on a first-come, first-served basis.
3. At the time the footer inspection is made, all property pins shall be in place and string lines run so that it can be determined that the building setback lines are in conformance with the subdivision plat or zoning ordinance.
4. Letters from Engineers certifying the construction of the footer and the zoning setback lines will not be accepted, unless an inspection has been scheduled, and our office fails to notify the property owner or contractor that the inspection cannot be made. Letters from Engineers will be accepted **ONLY IF** the Planning & Building Codes Office requests it when there is a disagreement on whether the structure meets the required setbacks and the Planning & Building Codes Office agrees to accept an engineer's or surveyor's survey showing compliance with the required zoning setback lines.
5. Contractors or Property Owners, or their agents are required to meet the inspector on the site at the time of the inspection.
6. A set of the construction plans, approved by the Department of Planning, Zoning & Building Code Enforcement, will be required to be on the site at the time of inspection.

7. Framing and Final Inspections will be scheduled only after both electrical and plumbing inspections have been approved.
8. If an inspection is disapproved, the contractor or property owner will be required to pay the applicable reinspection fee (See Fee Schedules).
9. No reinspection will be scheduled until such time as the reinspection fee has been paid.
10. No structure shall be occupied, wholly, or in part, unless and until a Certificate of Occupancy has been issued by the Department of Planning, Zoning & Building Code Enforcement.
11. If work, which is required to be inspected, is covered prior to the inspection, the inspector for the Planning & Building Codes office will fail the inspection and will require that all work be removed so that the inspection can be made. In this event, a reinspection fee will be required to be paid prior to the Planning & Building Codes Office scheduling the re-inspection.
12. At the time the application for building permit is made, the applicant will be required to choose which code (Kentucky Building Code or CABO One- and two-family Dwelling Code) by which the construction project will be reviewed and inspected.

**Section 7.4: Uses of the Internet and County E-mail**

- A. Each county employee and official shall be issued an official Franklin County email address, which shall be used and maintained for all official business and correspondence of Franklin County Government.
- B. **Acceptable Uses of the Internet and County E-mail**  
The County-provided Internet and e-mail access is intended for business purposes only. The County encourages the use of the Internet and e-mail because it makes communication more efficient and effective. However, Internet service and e-mail are County property, and their purpose is to facilitate County business. Every user has a responsibility to maintain and enhance the county's public image and to use County e-mail and access to the Internet in a productive manner. To ensure that all users are responsible, the following guidelines have been established for using e-mail and the Internet. Any improper use of the Internet or e-mail is not acceptable and will result in appropriate disciplinary action, up to and including dismissal.
- C. **Unacceptable uses of the Internet and county E-mail**  
The County Internet and e-mail access may not be used for transmitting, retrieving or storage of any communications of a discriminatory or harassing nature or materials that are obscene or X-rated. Harassment of any kind is prohibited. No messages with derogatory or inflammatory remarks about race, age, disability, religion, national origin, physical attributes or sexual preference shall be transmitted. No abusive, profane or offensive language is allowed to be transmitted through the County's e-mail or Internet system. Electronic media may not be used for any purpose which is illegal, deceptive

or against County policy or contrary to the County's best interest. Use of County e-mail or Internet for personal gain is prohibited.

D. Communications

Each user is personally responsible for the content of all text, audio or images that they place or send over the county's e-mail/Internet system. No e-mail or other electronic communications may be sent which hides the identity of the sender or represents the sender as someone else or someone from another entity. All messages communicated on the County's e-mail/Internet system should contain the user's name. Excessive personal communications are prohibited. Any messages or information sent by a user to another individual outside the County via an electronic network (e.g., bulletin board, online service or Internet) are statements that reflect on the County. While some users include personal "disclaimers" in electronic messages, there is still a connection to the County and the statements may be tied to the County.

All communications sent by users via the County's e-mail/Internet system must comply with this and other County policies and may not disclose any confidential or proprietary information.

E. Downloading and Installing Software

To prevent computer viruses from being transmitted through the County's e-mail/Internet system, there will be no unauthorized downloading of any unauthorized software. All software downloaded must be registered to the County. Users should contact the County Judge/Executive if they have any questions.

F. Copyright Issues

Copyrighted material belonging to entities other than Franklin County may not be transmitted by users on the County's e-mail/Internet system. All users obtaining access to other companies' or individuals' materials must respect all copyrights and shall not copy, retrieve, modify or forward copyrighted materials, except with permission, or as a single copy, to reference only. Failure to observe copyright or license agreements may result in disciplinary action up to and including termination.

G. Security

The County routinely monitors usage patterns for its e-mail/Internet communications. The reasons for this monitoring are many, including cost analysis/allocation and the management of the County's gateway to the Internet. All messages created, sent or retrieved over the county's e-mail/Internet are the property of the County and may be considered public information. The County reserves the right to access and monitor all messages and files on the County's e-mail/Internet system. Users should not assume electronic communications are totally private and should transmit highly confidential data in other ways. Passwords and sign-on access codes shall not

be shared with anyone including co-workers, family members, or other unauthorized personnel. A user will be designated as system administrator for e-mail/Internet purposes. Users shall minimize the risk of disclosing personal information via electronic or other means. For more details, see section 7.5 "Protection of Personal Information."

H. Violations

Any employee who abuses the privilege of County-facilitated access to e-mail or the Internet will be subject to corrective action up to and including termination. If necessary, the County reserves the right to advise appropriate officials of any suspected illegal violations.

**Section 7.5: Protection of Personal Information**

A. "Personal information" means an individual's first name or first initial and last name; personal mark; or unique biometric or genetic print or image, in combination with one (1) or more of the following data elements:

1. An account number, credit card number, or debit card number that, in combination with any required security code, access code, or password, would permit access to an account;
2. A social security number;
3. A taxpayer identification number that incorporates a social security number;
4. A driver's license number, state identification card number, or other individual identification number issued by any agency;
5. A passport number or other identification number issued by the United States government; or
6. Individually identifiable health information as defined in 45 C.F.R. sec. 160.103, except for education records covered by the Family Educational Rights and Privacy Act, as amended, 20 U.S.C. sec. 1232g.

B. Policy Overview

The purpose of this policy is to minimize the risk of disclosing personal information and setting practical guidelines for effectively responding to security incidents. This policy sets forth the procedures and practices pursuant to KRS 61.932. In addition, this policy requires appropriate measures to protect information stored on media, both digital and non-digital, during the entire term of its use, until its destruction.

Non-digital media containing personal information shall be physically controlled and securely stored in a manner meant to ensure that the media cannot be accessed by unauthorized individuals. This may require storing media in locked containers such as cabinets, drawers, rooms, or similar locations if unauthorized individuals have unescorted access to areas where personal information is stored. If personal information is stored in an electronic format, it shall be protected

from access by unauthorized individuals. Such information must be protected by software that prevents unauthorized access. If personal information is transmitted via e-mail or other electronic means, it must be sent using appropriate encryption mechanisms.

All personal information shall remain secure and, when applicable, non-digital media shall be appropriately disposed. Non-digital media containing personal information must be properly stored and secured from view by unauthorized persons.

C. Point of Contact

The Judge/Executive shall designate a Point of Contact (“POC”). The POC shall serve the following functions:

1. Maintain the adopted Information Security Policy and be familiar with its requirements;
2. Ensure that employees and others with access to personal information are aware of and understand the Information Security Policy;
3. Serve as contact for inquiries from other agencies regarding its Information Security Policy and any incidents;
4. Be responsible for ensuring compliance with the Information Security Policy; and
5. Be responsible for responding to any incidents.

D. Security Software

Security software used to protect personal information must provide user identification, authentication, data access controls, integrity, and audit controls.

Security software should be adequately tested to confirm functionality and to ensure that it is minimally disruptive to all associated operating systems, communications, applications, and other associated software systems. Contractual provisions must also ensure that the supplier’s software, by design or configuration, will not introduce any security exposures.

The level of protection afforded by security software should be commensurate with the sensitivity of the data. For example, if data resides in a database that is deemed highly confidential, stringent access controls to the database should be employed. The level of protection along with the methods to implement that protection should be addressed before any personal information is stored on a device.

Systems, networks and application software used to process personal information must adhere to the highest level of protection reasonably practical. Intrusion detection and prevention software shall be used.

E. Encryption

Information stored on digital media shall be encrypted in accordance with contemporary standards.

F. Access Control

Only authorized individuals are permitted access to media containing personal information. In addition to controlling physical access, user authentication should provide audit access information. Any access must comply with applicable regulatory requirements.

G. Portable Computing Devices

This policy prohibits the unnecessary placement (download or input) of personal information on portable computing devices. However, users who in the course of business must place personal information on portable computing devices must be aware of the risks involved and impact to the affected person/entities in the event of actual or suspected loss or disclosure of personal information. If personal information is placed on a portable computing device, reasonable efforts must be taken, including physical controls and encryption, to protect the information from unauthorized access.

Additionally, each person using the portable computing device must sign the Franklin County e-mail and internet user agreement form indicating acceptance of the information and acknowledging his/her understanding of the responsibility to protect the information. In the event the portable computing device is lost or stolen, the user should be able to accurately recreate the personal information and must be able to provide notification to all affected persons/entities.

When it is determined that personal information must be placed on a portable computing device, every effort should be taken to minimize the amount of information required. If possible, information should be abbreviated to limit exposure (e.g., last 4 digits of the social security number).

H. Physical Security Procedures

This policy section is to ensure that its information resources are protected by physical security measures that address physical tampering, damage, theft, or unauthorized physical access. Access to restricted areas containing information technology resources or other sources of personal information shall be limited to authorized personnel only.

When feasible, information technology equipment should be marked with some form of identification that clearly indicates it is the property of the County. During transport, media shall be protected and controlled outside of secured areas and activities associated with transport of such media restricted to authorized personnel. Tracking methods shall be developed and deployed to ensure media reaches its intended destination.

I. Types of Incidents

Threats to the security of personal information arise in many different ways. Attacks on personal information may arise from:

1. External/Removable Media: an attack executed from removable media (e.g. flash drive, CD) or a peripheral device.
2. Attrition: an attack that employs brute force methods to compromise, degrade, or destroy systems, networks, or services.
3. Web: an attack executed from a website or web-based application.
4. E-mail: an attack executed via an e-mail message or attachment.
5. Improper usage: any incident resulting from violation of an organization's acceptable usage policies by an authorized user, excluding the above categories.
6. Loss or Theft of Equipment: the loss or theft of a computing device or media used by the organization, such as a laptop or smartphone.
7. Other: an attack that does not fit into any of the other categories.

J. Destruction of Records Containing Personal Information

A media retention schedule shall be defined for all media in accordance with regulatory requirements. The Fiscal Court shall have a document/information retention policy. When records containing personal or confidential information are ready for destruction, they shall destroy the information completely to ensure that the information cannot be recognized or reconstructed. In addition, any personal or confidential data contained on the computer media must be obliterated and/or made indecipherable before disposing of the tape, diskette, CD-ROM, zip disk, or other type of medium.

Appropriate methods and equipment must be used to routinely destroy personal or confidential information. One of the following safeguards must be implemented:

1. Hire a document disposal contractor to dispose of the material. The contractor should be certified by a recognized trade association and should use disk sanitizing software and/or equipment approved by the United States Department of Defense. The company's information security policies and procedures shall be reviewed and evaluated. Additionally, documents shall be reviewed such as an independent audit of a disposal company's operations and/or its compliance with nationally recognized standards.
2. Secure and utilize shredding equipment that performs cross-cut or confetti patterns.
3. Secure and utilize disk sanitizing or erasing software or equipment approved by the United States Department of Defense.
4. Incinerator or physical destruction.
5. Modify the information to make it unreadable, unusable or indecipherable through any means.

K. Reporting of Incidents Involving Personal Information

A security breach in which personal information is disclosed to, or obtained by, an unauthorized person must be reported. Notification of the incident must be made in the most prompt and expedient manner after the incident has been discovered. Within thirty-five days, a letter notifying affected individuals of actual or suspected loss or disclosure of personal information must be sent describing the types of information lost and recommended actions to be taken to mitigate the potential misuse of their information.

When it has been identified that a security breach has occurred in which personal information has been disclosed to, or obtained by, an unauthorized person, within three business days the Point of Contact shall notify the County Attorney or Commonwealths Attorney, Kentucky State Police, the Auditor of Public Accounts, the Attorney General and the Commissioner of the Department for Local Government and complete form COT-F012. The following shall be documented:

1. Preliminary reporting and description of the incident;
2. Response, including evidence gathered;
3. Final assessment and corrective action taken; and
4. Final reporting.

Incident response procedures can be a reaction to security activities such as:

1. Unauthorized access to personnel, data, or resources;
2. Denial of service attacks;
3. Actual or anticipated widespread malware infections;
4. Data breaches;
5. Loss/Theft of equipment;
6. Significant disruption of services;
7. Significant level of unauthorized scanning activity to or from hosts on the network.

L. Investigation:

Reasonable efforts shall be made to investigate any security breaches in which personal information is disclosed to, or obtained by, an unauthorized person and appropriate corrective action shall be taken.

M. Disclosure Communications:

All federal and state laws and policies for information disclosure to media or the public must be followed. In some circumstances, communication about an incident is necessary, such as contacting law enforcement. Employees should use discretion in disclosing information about an incident. Such information includes network information, type of incident, specific infection type (if applicable), number of assets affected, specific detail about applications affected, applications used to employ corrective action/investigate, etc. Within the parameters of the law, minimal disclosure regarding incidents is preferred to

prevent unauthorized persons from acquiring sensitive information regarding the incident, security protocols and similar matters, in an effort to avoid additional disruption and financial loss.

FRANKLIN COUNTY E-MAIL AND INTERNET USER AGREEMENT

**EMPLOYEE AGREEMENT**

I have received a copy of Franklin County Fiscal Court's Policy Guidelines on e-mail/internet acceptable use, Section 7.4, and protection of personal information, Section 7.5, of the Administrative Code. I recognize that the County's e-mail/Internet is to be used for conducting the County's business only. I understand that use of this equipment for private purposes is strictly prohibited.

As part of the Franklin County Fiscal Court and user of Franklin County Fiscal Court's gateway to the Internet and e-mail system, I understand that this e-mail/Internet County guideline applies to me.

Additionally, I understand that I must ensure reasonable precautions are taken to avoid the disclosure of personal information as defined in Section 7.5. I will refrain from putting personal information on portable computing devices unless totally unavoidable. I will report lost devices or suspected data breaches immediately to my superior.

I recognize that it is my obligation to read this policy and will abide by its restrictions and standards. Should I have question(s) regarding this policy, it is my obligation to ask my supervisor or department head.

I am aware that violations of this County guideline on acceptable e-mail/Internet use may subject me to disciplinary action, up to and including dismissal from employment.

I further understand that my communications on the Internet and e-mail reflect Franklin County Fiscal Court worldwide to our consumers, customers and suppliers. Furthermore, I understand that this policy can be amended at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

Received by:

\_\_\_\_\_  
County Judge/Executive Signature or designee

\_\_\_\_\_  
Date

**FRANKLIN COUNTY ADMINISTRATIVE CODE**

**EMPLOYEE AGREEMENT**

I have received a copy of Franklin County Fiscal Court's Administrative Code, Ordinance #4-2014 which contains all amendments (Ordinance #: 7-2015, 1-2016, 2-2016, 10-2016, 11-2016, 3-2017, 6-2017, 7-2017 and 14-2018) title page dated August 10, 2018.

I recognize that it is my obligation to read this policy and will abide by its restrictions and standards. Should I have question(s) regarding this policy, it is my obligation to ask my supervisor or department head.

Furthermore, I understand that this Ordinance may be amended at any time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Printed Name

Received by:

\_\_\_\_\_  
County Judge/Executive Signature or designee

\_\_\_\_\_  
Date